

**SAN DIEGO POLICE DEPARTMENT
OFFICER INVOLVED INCIDENT**

Case Review

DATE (occurrence): September 28, 2015 (Monday)
TIME (occurrence): 0127 Hours
LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]
SUBJECT: OIS/Special Investigation – SDPD Case #15-042053
417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathan, ID #7319
Officer #3: LULL, Brandon, ID #7300

INJURED/DECEASED: HERNANDEZ, Alberto (Suspect)

OFFICER/AGENT(S): McCOY, Jeffrey ID#7099 (SDPD)

WELLS, Jonathan ID#7319 (SDPD)

LULL, Brandon ID#7300 (SDPD)

REVIEWED BY:

[REDACTED]
✓ Sergeant, Homicide Section

[REDACTED] 4301
Lieutenant, Homicide Section

[REDACTED]
Captain, Investigations II

[REDACTED]
Assistant Chief, Centralized Investigations

10-13-15
Date

10/29/15
Date

11-2-15
Date

11-4-15
Date

San Diego Police Department: Case Cancellation

Type of

981000
ZZ

Crime/Incident

Case #

15042053

Victim

Mccoy, Jeffrey

Case Part of Series

☐

Occurrence Date

09/28/2015

(Leave blank if no series)

Type of Cancellation

Exceptional: Other (such as subject is dead)

Additional Arrests

☐

Disposition

Charge Level

Persons Arrested

Last

First

Middle

Date

Booking Number

Detective Arrest

☐

Patrol Arrest

☐

Charged

☐

Not Charged

☐

Property Recovered

None

☐

Partial

☐

Value Recovered

Full

☐

Was ARJIS-4 Completed

Yes

☐

No

☐

Investigator:

4673 -Conley, Paul D

Date

04/07/2016

Approved By:

4673 - Conley, Paul

Date

09/16/2016

List Additional Cases to Be Cancelled:

Narrative:

Please see McCoy OIS book for details

4. ✓ #4997 11/21/17

San Diego Police Department: Case Cancellation

Type of Crime/Incident	<div style="border: 1px solid black; padding: 2px; display: inline-block;">417.4 PC</div>			
Case #	15042057		Victim	<div style="background-color: black; width: 100px; height: 1.2em;"></div>
Case Part of Series <small>(Leave blank if no series)</small>	<input type="checkbox"/>		Occurrence Date	09/28/2015
Type of Cancellation Disposition Charge Level	Exceptional: Other (such as subject is dead)			Additional Arrests <input type="checkbox"/>
<hr/>				
Persons Arrested	First	Middle	Date	Booking Number
Last				
<hr/>				
<hr/>				
<hr/>				
Detective Arrest	<input type="checkbox"/>	Patrol Arrest	<input type="checkbox"/>	Charged <input type="checkbox"/> Not Charged <input type="checkbox"/>
Property Recovered				
None	<input type="checkbox"/>			
Partial	<input type="checkbox"/>	Value Recovered		
Full	<input type="checkbox"/>	Was ARJIS-4 Completed	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<hr/>				
Investigator:	Date	Approved By:	Date	
4673 -Conley, Paul D	04/07/2016	4673 - Conley, Paul	09/16/2016	
<hr/>				
<u>List Additional Cases to Be Cancelled:</u>				
<div style="text-align: right;">4- <div style="background-color: black; width: 100px; height: 1.2em;"></div> 11/21/17</div>				
<hr/>				
<u>Narrative:</u>				
Please see OIS Homicide book for details				
<hr/>				

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

San Diego
330 West Broadway
San Diego, CA 92101
[REDACTED]

<http://www.sandiegoda.com>

BONNIE M. DUMANIS
DISTRICT ATTORNEY

March 3, 2016

Chief Shelley Zimmerman
San Diego Police Department
1401 Broadway, Mail Station 700
San Diego, CA 92101

**Re: Fatal shooting of Mr. Alberto Hernandez on September 28, 2015 by
San Diego Police Officers Jeffrey McCoy, Jonathon Wells, and Brandon Lull;
San Diego Police Department Case No. 15-042053; DA Special Operations
Case No. 15-148PS; Deputy District Attorney assigned: Paul Reizen**

Dear Chief Zimmerman:

We have reviewed the reports and other materials compiled by your agency's Homicide Unit concerning the circumstances leading to the fatal shooting of Mr. Alberto Hernandez by San Diego Police Officers Jeffrey McCoy, Jonathon Wells, and Brandon Lull on September 28, 2015. A District Attorney Investigator responded to the scene and was briefed by your detectives. This case was presented to the District Attorney's Office for review on December 3, 2015.

Summary

At 1:04 a.m. on September 28, 2015, Mr. Hernandez called 911 threatening to kill his female companion. The call was traced back to Unit [REDACTED] an upstairs apartment in a two story apartment complex at 1170 West San Ysidro Boulevard, San Diego. San Diego Police Department officers responded to Hernandez's residence and knocked on his front door. The apartment complex had exterior lights that partially illuminated the exterior of the building. Hernandez opened the door holding a pistol in his hand. A female was seen in the apartment standing behind Hernandez. Officer Jeffrey McCoy told Hernandez to drop the gun. Hernandez quickly closed and locked the front door. Officers took cover and set up a perimeter around Hernandez's apartment. Hernandez opened his front door multiple times and pointed the gun outward. Officers told Hernandez to drop the gun each time. Hernandez ultimately left his residence and walked down the apartment complex stairs advancing on the officers with the gun in his hand. Officers continued to yell at Hernandez to drop his gun. Hernandez ignored the officers' commands and pointed his gun at the officers. Officers Jeffrey McCoy, Jonathon Wells and Brandon Lull fired at Hernandez, striking Hernandez several times. Hernandez was taken to the hospital where he was pronounced dead shortly after arrival. This incident was recorded with officers' body-worn cameras and video from the ABLE (Airborne Law Enforcement) helicopter camera.

Persons Involved

Mr. Alberto Hernandez was 59 years old at the time of this incident and lived in San Diego. Officer Jeffrey McCoy had been with the San Diego Police Department for a year and nine months at the time of the incident. McCoy's prior experience included 20 years in the United States Marine Corp with combat service in Afghanistan. Officers Jonathon Wells and Brandon Lull had been with the San Diego Police Department for a year at the time of the incident. All officers were assigned to Southern Division Patrol.

Background

Mr. Hernandez suffered from mental-health issues and alcohol dependency. In the two months leading up to the incident, Hernandez's social worker called the police four times requesting the police check the welfare of Hernandez citing Hernandez's "bipolar-disorder" diagnosis, alcoholism, and eight previous suicide attempts. Officer McCoy was aware of two previous incidents at the residence involving Hernandez's irrational behavior. McCoy told Officers Rack and Herkelman about Hernandez's mental-health issues. On the night of the shooting, some involved officers were aware Hernandez had called 911 stating he was going to shoot a female. Other officers learned Hernandez was armed with a gun when McCoy announced over police radio that Hernandez answered the door with a gun and then shut the door.

Civilian Witnesses

There were four civilian witnesses to the armed confrontation and shooting event involving Mr. Hernandez. These witnesses were tenants of the apartment complex where Hernandez lived. All four witnesses said they heard the officers order Hernandez to drop the gun. They also saw Hernandez pointing an object toward the officers and assumed Hernandez was armed with a pistol. An additional witness (Hernandez's [REDACTED]) said she knew Hernandez armed himself with a toy/replica gun but said she remained inside the apartment and only heard the incident. The [REDACTED] made no mention of the toy/replica gun to law enforcement until she was interviewed after the shooting.

Law Enforcement Witnesses

There were seven law-enforcement witnesses that responded to the 911 call and were in position to observe events leading to the shooting. Those witnesses were Officers Kyle Rack, Dean Bishop, Matthew Herkelman, Oscar Torres, Peter Belanger, ABLE Pilot Joseph Waggaman, and Technical Flight Officer Tristan Gonzalez. These seven law enforcement witnesses saw Hernandez pointing a handgun at officers and corroborated the events captured on video.

Officer Jeffrey McCoy's Statement

Officer McCoy heard over police dispatch that a male called 911 stating he was going to shoot his female companion. McCoy responded to the call with Officers Kyle Rack and Matthew Herkelman. McCoy walked up the stairs to Mr. Hernandez's apartment and knocked on Hernandez's door. Hernandez opened the door while holding a handgun in his right hand. McCoy immediately stated, "Put the gun down." Hernandez quickly closed and locked the door. Based on his training and experience, McCoy believed the handgun was real. McCoy announced

over police radio that Hernandez answered the door with a gun in his hand and then retreated down the stairs with Rack.

Shortly after Sergeant Dean Bishop arrived on scene, Officer McCoy heard Officer Rack yell approximately three times, "San Diego Police. Put the gun down." Mr. Hernandez then shut his front door again. Due to Hernandez's behavior, McCoy and Herkelman began evacuating apartments below Hernandez's. Again McCoy heard officers yell, "Put the gun down." McCoy looked up and could see Hernandez with his door open pointing a gun outward. McCoy repositioned himself behind a tree and then saw Hernandez exit his apartment with the gun in his right hand. McCoy said he and other officers shouted, "San Diego Police. Put the gun down."

Mr. Hernandez began to walk down the apartment-complex stairs with the gun in his right hand. Hernandez was looking around and pointing his gun where he looked. Once Hernandez reached the stairway landing, he pointed his gun at Officer McCoy. Hernandez then turned toward the other officers, took a two-handed grip on the handgun, and pointed it at the other officers. McCoy believed Hernandez was targeting one of the officers and was fearful of their lives and his own. McCoy heard another officer fire, but did not see any reaction from Hernandez. McCoy then fired three to four shots. Hernandez fell to his knees with the gun still in his hand and then collapsed on the steps. McCoy moved the gun away from Hernandez. Officers Torres and McCoy then handcuffed Hernandez.

Officer Jonathan Wells's Statement

Officer Wells heard Officer McCoy broadcast that a male answered the door with a gun in his hand and then went back into his residence. Wells responded to help. Wells arrived and saw McCoy and four other officers were on scene. McCoy pointed out Mr. Hernandez's residence upstairs to Wells. Wells was briefed that Hernandez was armed with a firearm and was coming in and out of the residence, which was also occupied by a female.

Officers Lull and Wells began blocking off the street. Wells heard another officer yell, "He's coming out. He's coming out." Wells saw Mr. Hernandez come out of the residence and walk down the apartment-complex stairs. Wells got a direct view of Hernandez and could see a black semiautomatic handgun in his hand. Officers began yelling, "Drop the weapon." Wells saw Hernandez pointing his gun directly at Officer McCoy. Lull was giving commands to Hernandez to drop his gun. Hernandez started to turn from McCoy and point his weapon. An officer yelled, "Shoot him, shoot him," and Wells heard two shots fired. Wells saw Hernandez was still pointing his weapon. Wells fired two to three shots at Hernandez. Wells then heard another officer fire approximately five shots and Hernandez fell down slumping over the landing stairs. Wells and Lull maintained coverage over Hernandez until Officer Torres and McCoy had control of Hernandez.

Officer Brandon Lull's Statement

Officer Lull responded to assist Officer McCoy when he heard McCoy state over police radio that a male answered his residence door with a pistol in his hand, shut the door, and was in the process of locking the door. Lull arrived on scene and spoke with McCoy and Sergeant Bishop. Lull saw Mr. Hernandez open and close his door with a gun in his hand. Bishop requested Lull start blocking traffic on the road due to Hernandez's actions.

Officer Lull returned to the incident area and maintained a position of cover behind a police SUV. Lull had his pistol drawn and pointed at Mr. Hernandez's door. Lull then saw Hernandez come out of his residence armed with a handgun. Sergeant Bishop was giving commands to Hernandez to drop his gun. Lull yelled out for Hernandez to drop the gun or he would be shot.

Mr. Hernandez began walking down the apartment-complex stairs. When Hernandez got to the landing, he pointed his gun at Officer McCoy. Officer Lull yelled, "McCoy, he's pointing the gun at you." Hernandez then swung his gun around at Sergeant Bishop. Lull heard Bishop shout, "shoot him." Hernandez then swung the gun around at Lull. Lull believed Hernandez was going to shoot him and the other officers. Lull fired two rounds. Lull was unsure if he hit Hernandez because Hernandez did not even flinch and was still pointing the gun at Lull. Lull heard shots being fired and thought Hernandez was firing at him. Lull reengaged and fired three to four more times. Hernandez eventually dropped to the ground with the gun in his hand. Lull approached with other officers to apprehend Hernandez.

Investigation

The scene was secured and the investigation into the shooting was conducted by the San Diego Police Department's Homicide Unit. Officer body-worn camera and ABLE-helicopter footage, crime-scene photographs, crime reports, computerized crime-data research, witness interviews, radio communications and medical reports were reviewed to analyze the shooting.

Although the conditions were dark, the ABLE-helicopter footage is clear. The footage shows officers setting up a perimeter around Mr. Hernandez's apartment. Hernandez then opens his apartment door. Moments later Hernandez exits his apartment with an object in his right hand shaped like a handgun and walks down the apartment-complex stairs. Hernandez points the object in the direction of Officers McCoy and Lull and switches to a two-handed grip of the object. Hernandez drops down on the stairway landing after apparently being shot by the officers.

Officer Wells forgot to activate his body worn camera. Officers McCoy and Lull, had their body-worn cameras activated during the incident. The footage from McCoy's camera captures Hernandez opening his apartment door with a gun in his right hand. McCoy tells Hernandez to drop his gun. Hernandez quickly closes the door on McCoy. McCoy backs up and informs other officers Hernandez's gun appears to be a 9mm Beretta. Officers take cover and establish a perimeter. Hernandez repeatedly opens his door with the gun. Eventually Hernandez exits his apartment and walks down the apartment-complex stairs with the gun pointed at officers. During

this time, officers can be heard yelling out to Hernandez multiple times commands such as, "Put the gun down;" "San Diego Police Department, drop the gun;" "Drop the gun, San Diego Police;" and "Drop the gun or you gonna get shot." Hernandez continues to point the gun at officers and officers then fire on Hernandez.

The investigation and location of the bullet casings revealed the number of rounds fired by each officer. Officer McCoy fired three times. Officer Wells fired two times. Officer Lull fired six times. The investigation revealed Mr. Hernandez was shot four times in the torso, three times in his right arm and once in his left leg. Hernandez's gun was found to be a black "Powerline by Daisy 340" ".177 Cal. (4.5mm) BB" replica handgun with its protective orange tip removed.

Toxicological testing of Mr. Hernandez's blood sample conducted by the Medical Examiner's Office was positive for benzodiazepines and also indicated a blood-alcohol content of .30 percent. During a search of Hernandez's residence, officers found evidence of a prescribed narcotic and medications for psychological disorders. Hernandez's [REDACTED] who Hernandez was living with, told investigators Hernandez was an alcoholic battling depression. She said on the night of the shooting, Hernandez was drinking and depressed and made a comment that he did not want to "live like this."

Legal Analysis

This review was conducted pursuant to the joint protocol between this office and all San Diego law enforcement agencies calling upon the District Attorney to conduct an independent assessment of the circumstances surrounding the use of deadly force.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm and to use reasonable force in making an arrest. California Penal Code section 835a allows an officer to use reasonable force to make an arrest and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance. Penal Code section 196 declares that homicide is justifiable when committed by public officers when necessarily committed in overcoming actual resistance in the discharge of any legal duty.

In accordance with Penal Code section 196, peace officers may use deadly force in the course of their duties under circumstances not available to members of the general public. We are mindful, however, that certain limits on the use of deadly force apply to peace officers. The U.S. Ninth Circuit Court of Appeals, in the case of *Scott v. Henrich* (9th Cir. 1994) 39 F.3d 912, delineated those circumstances under which deadly force may be used:

[P]olice may use only such force as is objectively reasonable under the circumstances. An officer's use of deadly force is reasonable only if 'the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.' All determinations of

Chief Shelley Zimmerman
San Diego Police Department
March 3, 2016
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unreasonable force 'must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.' [Citations omitted.]

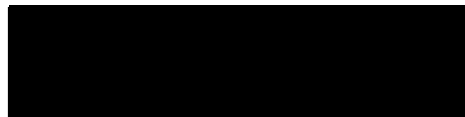
Irrespective of any laws applicable to situations where peace officers use deadly force in accomplishing their duties, the law of self-defense is available to any person. Homicide is justifiable in accordance with Penal Code section 197 when resisting any attempt by a person to commit great bodily injury on or kill any person.

Conclusions

Mr. Hernandez called 911 threatening to shoot his female companion. When police arrived to investigate the call, Hernandez answered the door with a pistol in his hand pointed at Officer McCoy. Hernandez retreated and locked himself in his apartment. Shortly after, Hernandez exited the apartment and headed down the apartment-complex stairs towards the officers. Despite being commanded by officers over ten times to drop the gun, Hernandez continued to point his pistol at officers while advancing on the officers' location. When Hernandez reached the stairway landing, he switched to a two-handed grip of the pistol and pointed it directly at officers. The officers reasonably believed Hernandez had a real handgun and they needed to act immediately to avoid being killed or seriously injured by Hernandez. Officers McCoy, Wells and Lull's use of deadly force was expected and reasonable under the circumstances. They bear no criminal liability for their actions because they were legally justified and compelled to shoot at Mr. Hernandez to stop the threat he posed.

A copy of this letter, along with the materials submitted for our review, will be retained in our files.

Sincerely,



BONNIE M. DUMANIS
District Attorney
County of San Diego

BMD:eg

cc: Captain David Nisleit
San Diego Police Department
Homicide Division

Captain Rudy Tai
San Diego Police Department
Southern Division

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28th, 2015 (Monday)

TIME (occurrence): 0127

LOCATION: 1170 West San Ysidro Blvd [REDACTED]

SUBJECT: OIS/Special Investigation – SDPD Case #15-042053
417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

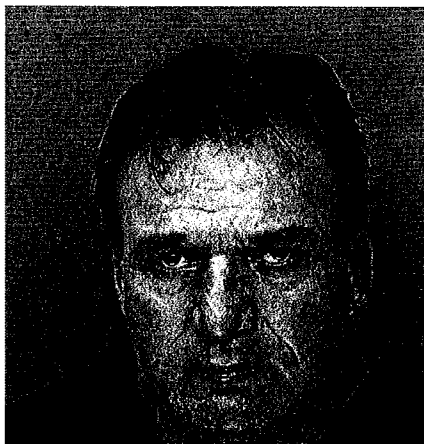
MORGUE SCENE PERSONNEL:

San Diego Police Department

Detective Kimberly A. COLLIER, ID #5537
Crime Scene Specialist (CSS) Ally SOUTHERLAND, ID #8841
Crime Scene Specialist Intern Emilia CASTANEDA, #0284

San Diego County Medical Examiner's Office

Deputy Medical Examiner / Doctor (Dr.) SCHABER
Forensic Autopsy Specialist (FAS) Jessica BOYER



VICTIM / DECEDENT

HERNANDEZ, Alberto
11/28/1955, 5'8 1/2", 181 lbs, BRN/BRN
[REDACTED]
[REDACTED]
[REDACTED]

ORIGIN:

On 09/28/2015, at approximately 0200 hours, I received a telephone call from Detective Sergeant Paul CONLEY from Homicide Team IV. Sergeant CONLEY informed me there had been an Officer Involved

Shooting at 1170 W. San Ysidro Boulevard. I was instructed to meet with other investigators at the location.

At approximately 0300 hours, I arrived on scene and met with other members of Homicide Team IV. At approximately 0317 hours we were briefed of the incident by Sergeant TIVANIAN #5871. During the briefing, we learned a male at 1170 W. San Ysidro Boulevard [REDACTED] called into police dispatch at approximately 0104 hours. It was later learned the male was Alberto HERNANDEZ who told the dispatcher, "I want to shoot her."

Southern Division Officers responded to the listed address and attempted to make contact at the front door of the apartment. HERNANDEZ answered the front door with a gun in his hand and then closed the door on the officers.

Officers tactically took positions of cover in the complex parking lot and attempted to call HERNANDEZ out of the apartment. HERNANDEZ eventually exited the apartment and began pointing the gun at officers. Numerous commands to drop the weapon were made to HERNANDEZ; however he continued pointing the gun at officers. Three officers fired at HERNANDEZ striking him several times. HERNANDEZ was transported to Mercy Hospital where he later succumbed to his injuries at 0207 hours.

The briefing concluded at approximately 0339 hours. At the conclusion of the briefing, I was assigned to conduct the crime scene investigation with CSS Ally SOUTHERLAND and CSS Intern Emilia CASTANEDA.

INVESTIGATION:

Officer HERKELMAN #7292 followed the ambulance from the scene to Scripps Mercy Hospital. Dr. YANG pronounced HERNANDEZ deceased at 0207 hours. Detective CISNEROS was assigned to meet M.E. Investigator Mark MALAMATOS #16 at Mercy Hospital to witness the collection of HERNANDEZ' body by the Medical Examiner's Office (See Detective CISNEROS' report for further details).

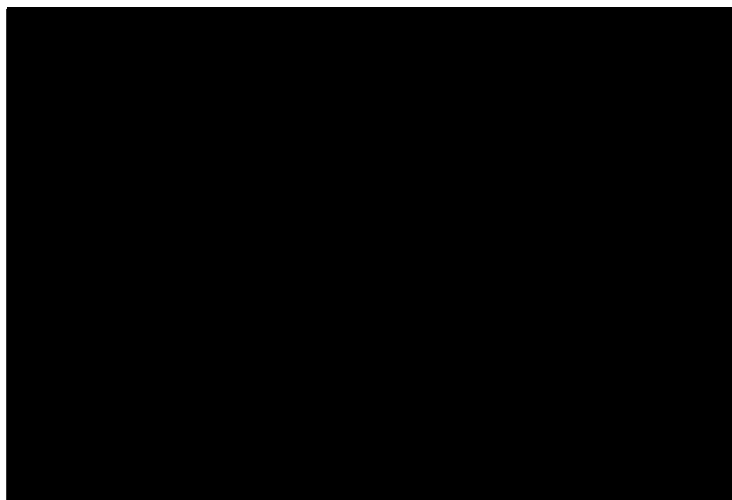
MEI MALAMATOS took custody of HERNANDEZ' body and tagged the body bag with ME Case [REDACTED]

EXAMINATION:

On September 29th, 2015, at approximately 0900 hours, I arrived at the San Diego County Medical Examiner's Office and met up with CSS SOUTHERLAND and CSS Intern Emilia CASTANEDA. We were present to witness and collect any potential evidence from the examination on the decedent, HERNANDEZ.

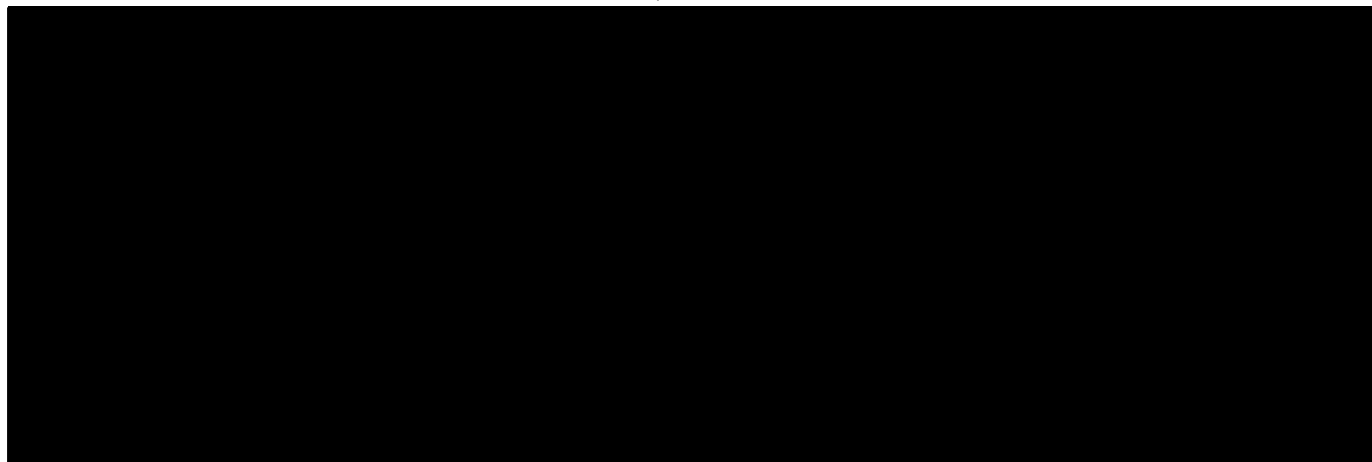
Dr. Bethann SCHABER was present and scheduled to perform the examination. Forensic Autopsy Specialist (FAS) Jessica BOYER was assigned to assist Dr. SCHABER. I briefed Dr. SCHABER on the scenario of events as I knew them.

CSS SOUTHERLAND began to take overall photographs at about 1004 hours. The body was identified in writing by a manila tag, bearing the name "Alberto HERNANDEZ" and case number [REDACTED] which was attached to the bag. The tag and bag had been closed securely by a red plastic Medical Examiner's seal bearing the number [REDACTED]



Dr. SCHABER broke the seal of the body bag and removed the decedent at about 1005 hours with the assistance of FAS BOYER. The decedent had both a yellow tag and a blue tag on his right ankle. The tags each had "Alberto HERNANDEZ", and case [REDACTED] written on them. A hospital tag was attached to his left wrist with TRAUMA [REDACTED] written on it and bearing Medical record number of [REDACTED] from Scripps Mercy Hospital.

The decedent, who was lying supine on a table in the examining room, had been inside the bag, with a white sheet lying on top of him, primarily between his legs. Under him was a yellow plastic sheet, an absorbent pad and a canvas type body sling. HERNANDEZ' hands, feet and head were bagged. The bags were removed and handed to CSS SOUTHERLAND to collect at 1008 hours.



Evidence of medical intervention was evident by the presence of disposable devices used during medical treatment. Dr. SCHABER removed and/or cut free the medical intervention equipment and either disposed of it or left it in tact. The decedent had been clothed, but his clothing had been cut from him and was lying underneath his body.

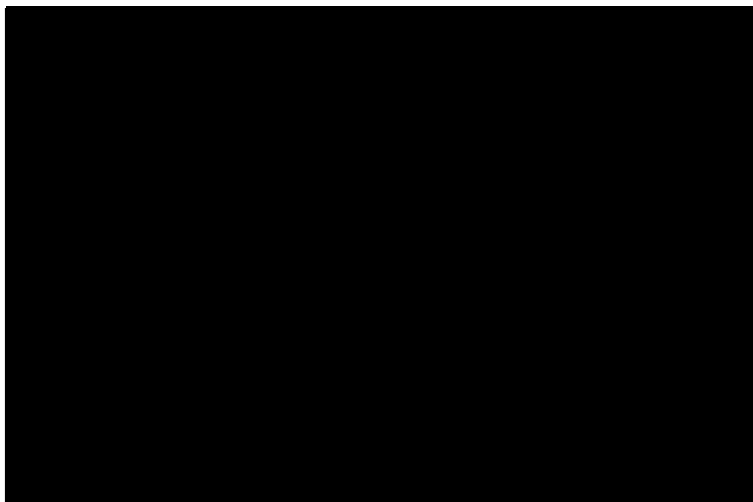
The decedent appeared to be a Hispanic male, appearing his age of 59 years. His hair is brown and his eyes are brown. He had no facial hair or tattoos.

CSS SOUTHERLAND obtained GSR swabs from HERNANDEZ on both his right and left hand at 1017 hours. It was assigned GSR number [REDACTED] CSS SOUTHERLAND collected fingernail scrapings at 1040 from his left hand and 1042 from his right hand. She obtained a buccal swab at 1043 hours.

Dr. SCHABER and FAS BOYER removed the clothing from under HERNANDEZ, starting with his pants and shorts. Dr. SCHABER examined them for evidence of gunshot holes. The underwear/shorts were cut down two areas in the front. There was no evidence of bullet holes. The jeans were cut down the front and there was evidence of bullet holes that were consistent with the through and through shot to the lower left leg. The jeans were laid out on paper and photographed by CSS SOUTHERLAND. A tank top appearing red in color and saturated in blood was removed from under HERNANDEZ body. It had been cut away during life saving measures. There was evidence of four bullet holes to the front of the shirt that were consistent with the gunshot wounds HERNANDEZ had on his body. There was no holes to the rear of HERNANDEZ' shirt. A set of keys were found in HERNANDEZ jeans. All clothing items were collected as evidence and bagged separately by CSS SOUTHERLAND at approximately 1018 to 1033 hours.

The decedent was washed at 1108 hours by Dr. SCHABER and FAS BOYER.

The decedent's face and head was viewed. There were small reddish abrasions to his face (chin, cheek, nose, forehead, eyebrow, ear and hairline). There were approximately 12 abrasions in all. They were predominately on the left side of his face and believed to be caused by flying debris or fragments.

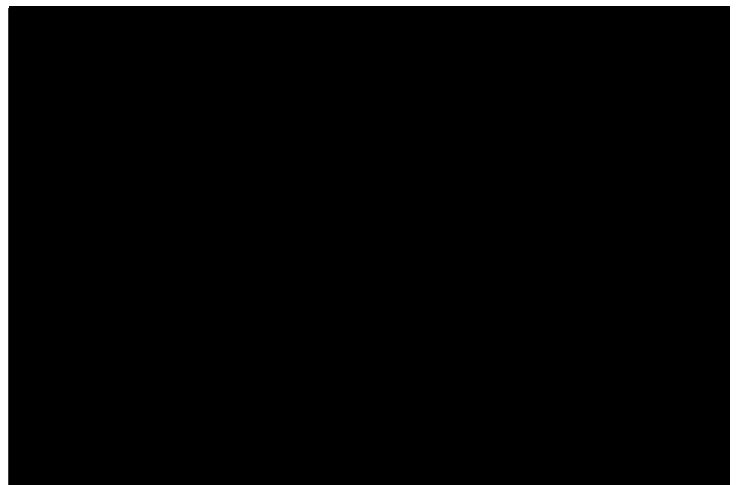
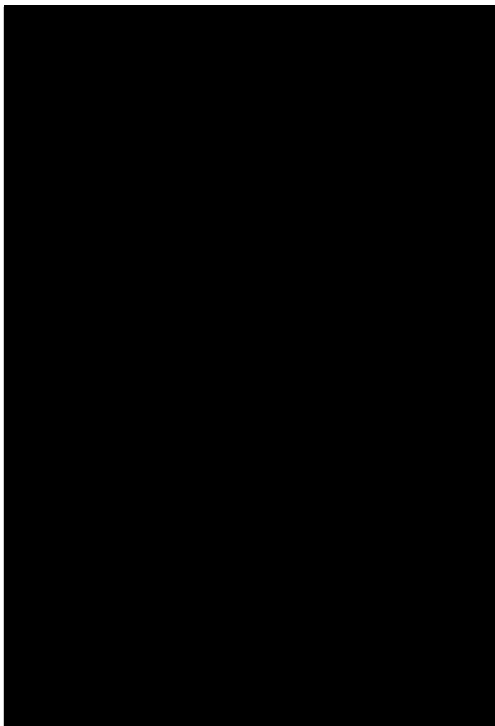


The decedent's neck and throat was viewed.

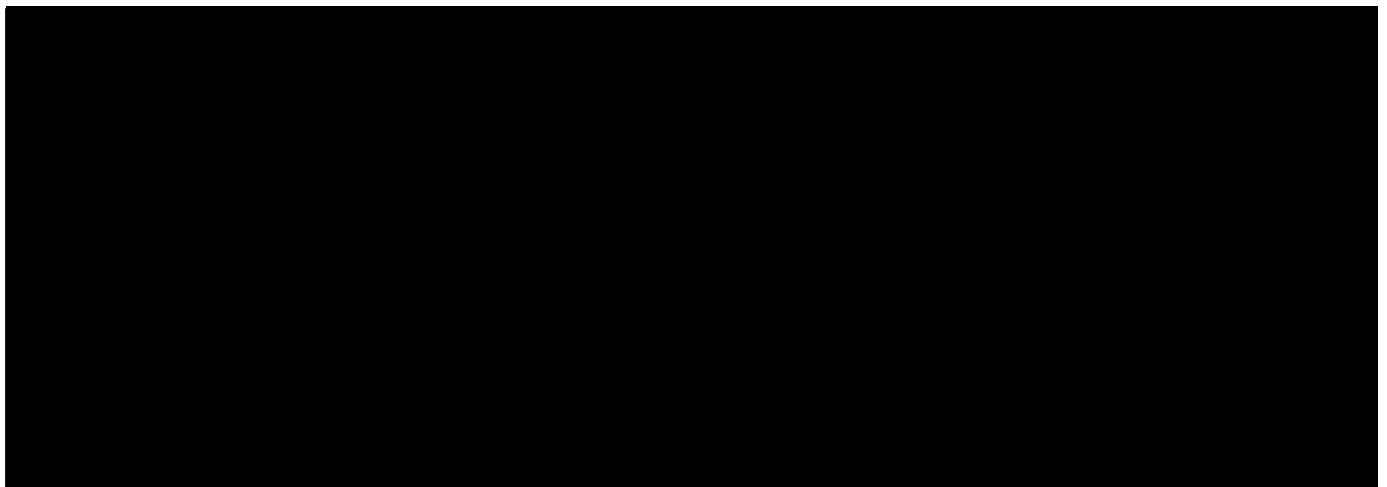
No notable injuries were found.

The decedent's chest and abdomen were viewed.

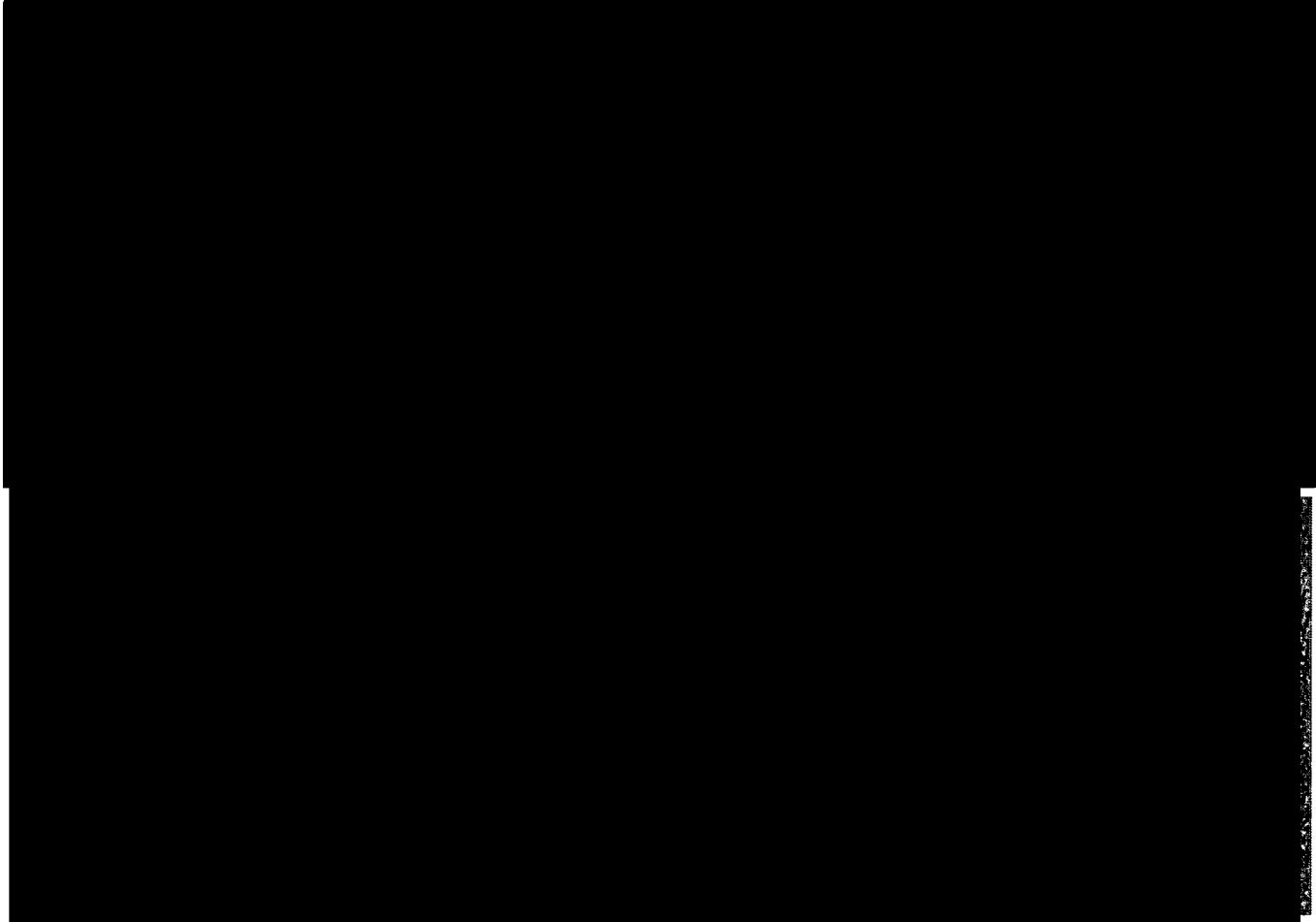
The decedent had four gunshot wounds to the chest and abdomen. One shot was center chest below both nipples. There were two gunshot wounds to the right side of the chest and one gunshot to the lower left abdomen area.



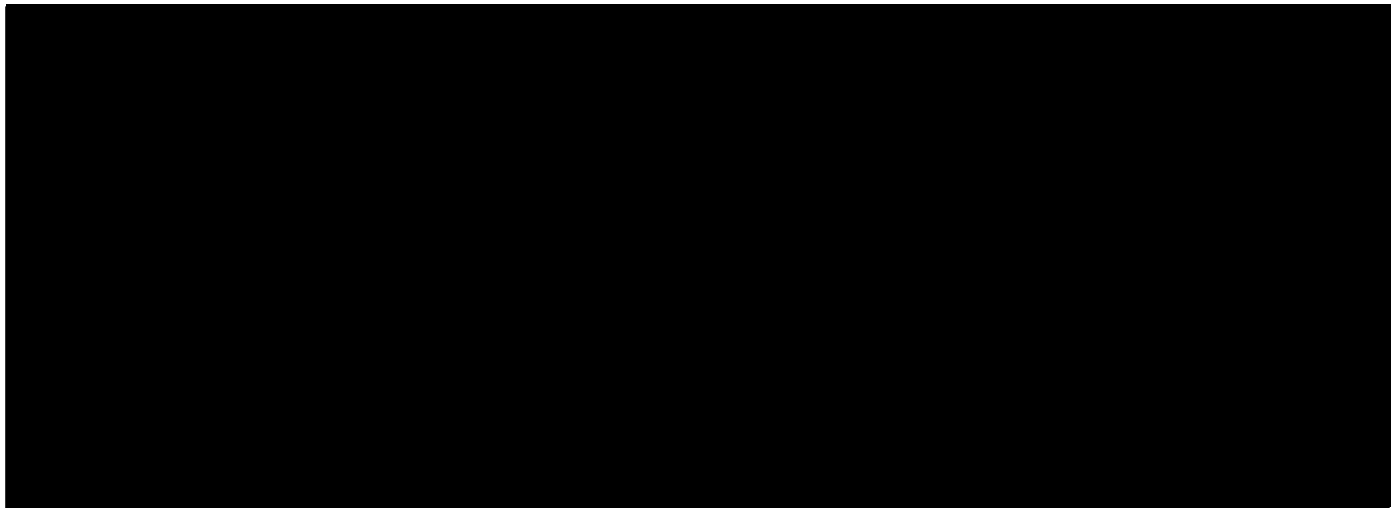
For clarification reasons, the chest and abdomen holes were marked 1-4. The explanation and damaged cause by each gunshot are as follows:



#1-Center chest. The bullet went through lower section of the heart and lodged in the upper rear portion of the bones to the back. The bullet was removed by Dr. SCHABER, photographed by CSS SOUTHERLAND and then collected by CSS SOUTHERLAND at 1454 hours after being sealed by Dr. SCHABER.

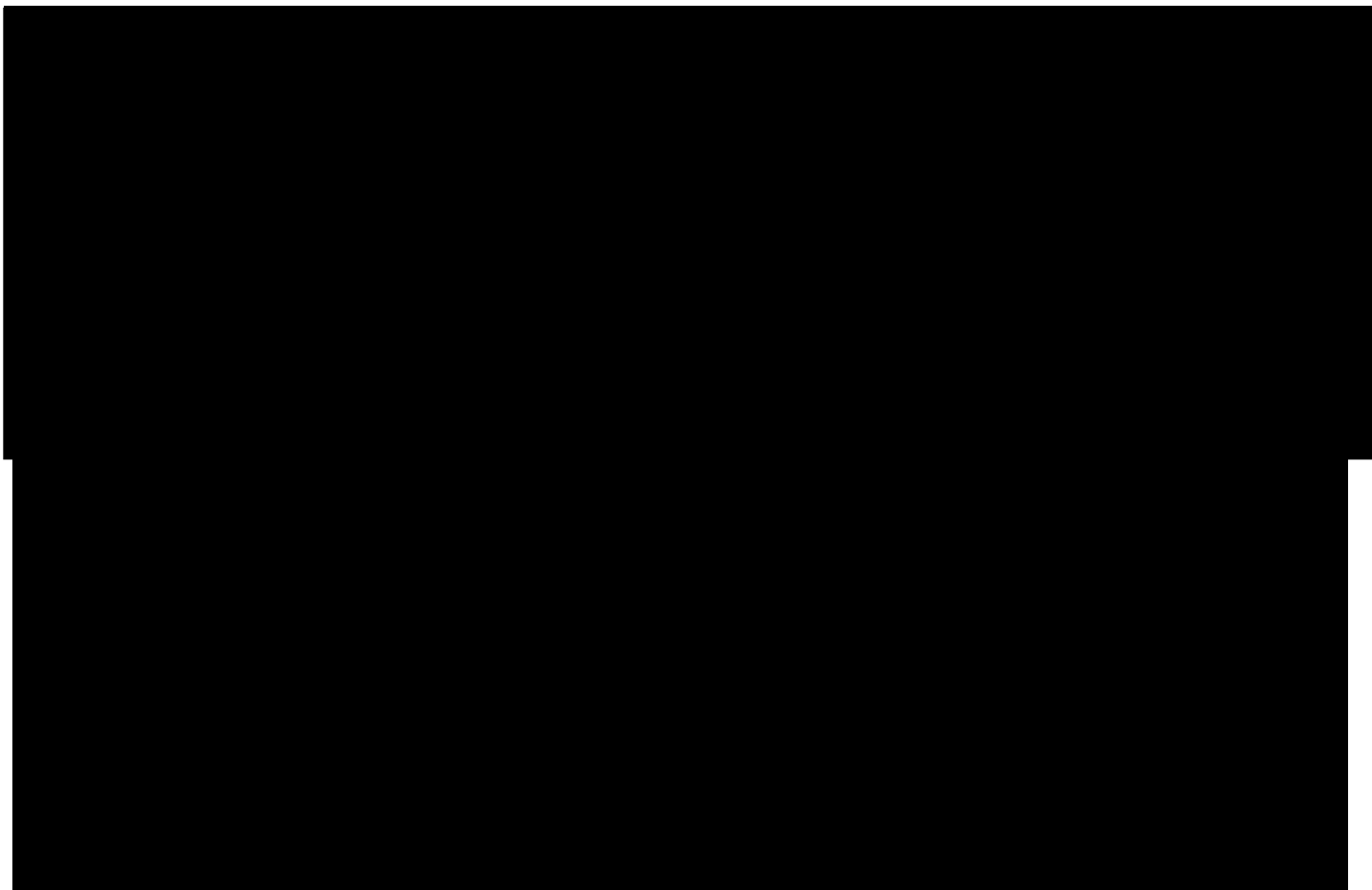


#2-Right Chest. The bullet appears to have gone through the liver and lodged in the right lung. The bullet was removed by Dr. SCHABER, photographed by CSS SOUTHERLAND and then collected by CSS SOUTHERLAND at 1406 hours after being sealed by Dr. SCHABER



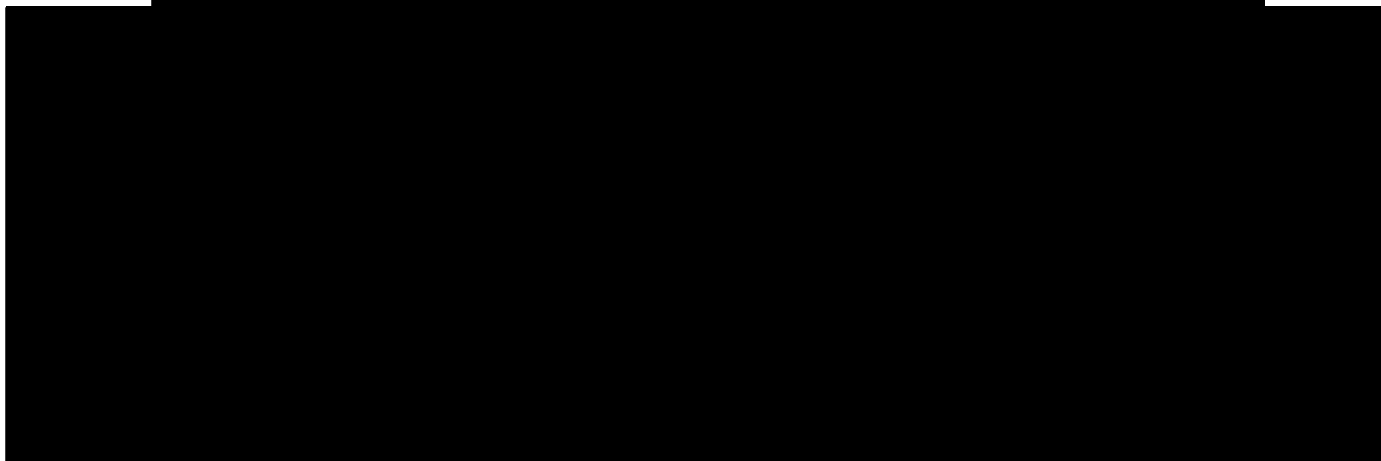
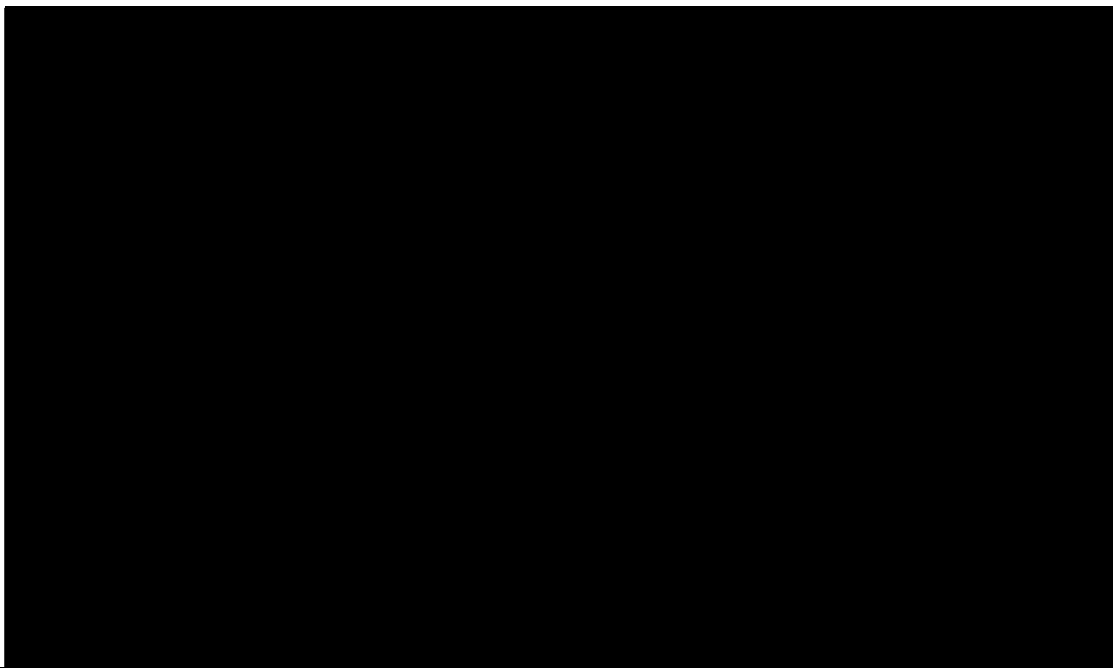
#3-Extreme far right side of chest. The bullet appears to have entered and traveled backwards along the rib cage and was under skin and flesh, but did not penetrate the rib cage. The bullet was removed by Dr. SCHABER, photographed by CSS SOUTHERLAND and then collected by CSS SOUTHERLAND at 1340 hours after being sealed by Dr. SCHABER

#4-Lower left abdomen. The bullet appears to have entered the lower left abdomen and traveled down towards the decedent's belt line. It appeared to almost exited at the waist line causing a break in the surface skin and then continued to travel diagonally into the lower right pelvic cavity. The bullet was removed by Dr. SCHABER, photographed by CSS SOUTHERLAND and then collected by CSS SOUTHERLAND at 1409 hours after being sealed by Dr. SCHABER



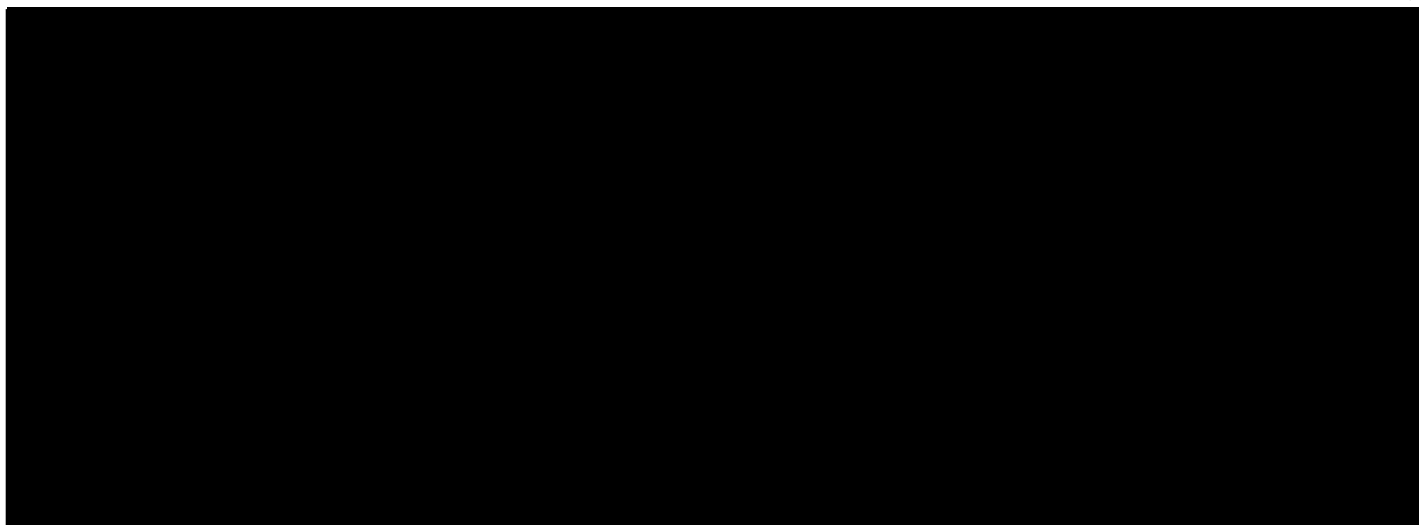
The decedent's right shoulder, arm and hand were viewed.

The decedent had two through and through shots to the right upper and lower portions of the arm. One through and through was to the upper arm and the other through and through passed from the upper arm through the elbow and lower arm. The decedent had a deep grazing wound to the upper right arm and a possible grazing or laceration wound to the elbow. Dr. SCHABER could not be certain as to the cause. It's possible it was cause by splintering of bones broken in the elbow, a graze by a bullet or some other unknown means.



The decedent's left shoulder, arm and hand were viewed.

The decedent had a small laceration to the pinky finger. Bruising seen to the wrist and hand.

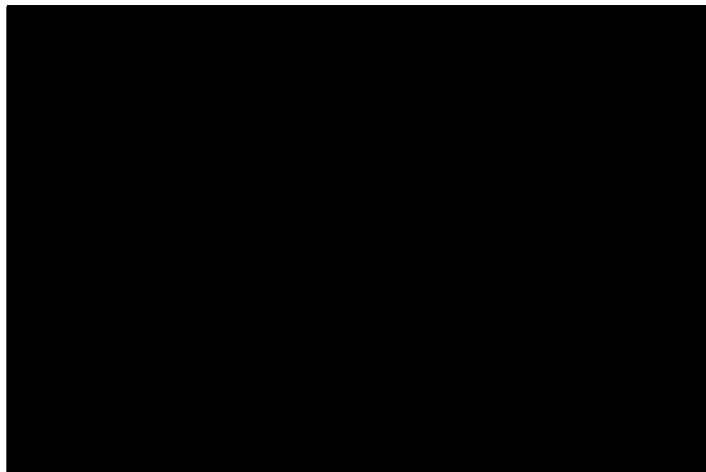


The decedent's groin was viewed.

The decedent had no visible injuries to his groin.

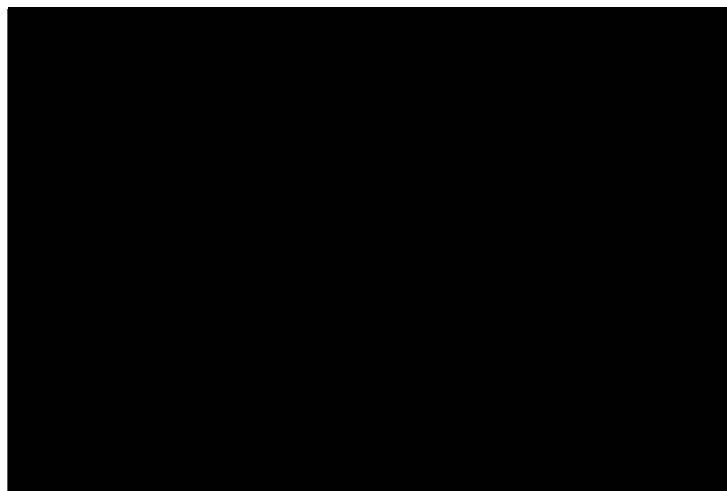
The decedent's right leg and foot were viewed.

The decedent had abrasions and bruising under this knee.



The decedent's left leg and foot were viewed.

The decedent had a through and through gunshot wound to the middle of the lower leg, passing through to the lower rear portion of the lower leg. This through and through caused a fracture to the decedent's leg.



The decedent's back was viewed.

A bump and bruising was seen to the far upper left side of the back. After cutting open the back, a bullet was recovered (see Center Chest explanation above).

The decedent's buttocks were viewed.

No visible injuries.

From the decedent, CSS SOUTHERLAND collected head hair samples, DNA buccal swab, fingernail scrapings, GSR swabs, 4 bullets and bullet fragments. CSS SOUTHERLAND collected the paper bags used to bag the decedent's head, hands and feet. CSS SOUTHERLAND collected a rib sample, fingerprints and blood sample from the decedent removed and provided by FSS BOYER. Keys were found in the decedents pants and were turned over by FSS BOYER and impounded by CSS SOUTHERLAND.

Dr. SCHABER concluded the autopsy at 1518 hours.

Toxicology results and further consultation regarding Dr. SCHABER's observations will be documented in her report to follow.

This report contains my observations and notations during this medical procedure, as well as the discovery and collection of evidence as a result of this medical procedure. For more detailed information and analysis, Dr. SCHABER's report should be referenced. For details regarding evidence collection, CSS SOUTHERLAND's report should be referenced.

At approximately 1525 hours, CSS SOUTHERLAND, CSS Intern CASTANEDA and I cleared from the Medical Examiner's Office.

Reporting Detective Kimberly A. Collier I.D. 5537 Homicide Team: IV
Approved by: Sergeant P.D. Conley #4673 Date of this report: 09/30/2015 Time: 1100 hrs

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

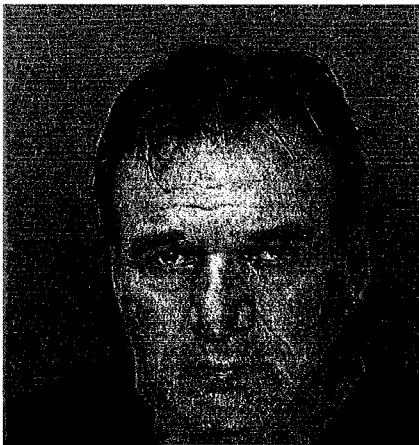
DATE (occurrence): September 28th, 2015 (Monday)

TIME (occurrence): 0127

LOCATION: 1170 West San Ysidro Blvd [REDACTED]

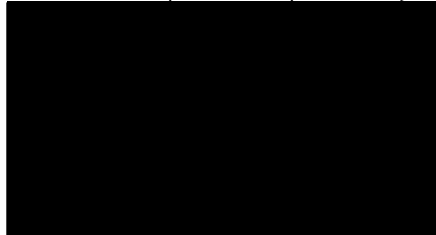
SUBJECT: OIS/Special Investigation – SDPD Case #15-042053
417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

CRIME SCENE:



SUSPECT / DECEDENT

HERNANDEZ, Alberto
11/28/1955, 5'8 1/2", 181 lbs, BRN/BRN

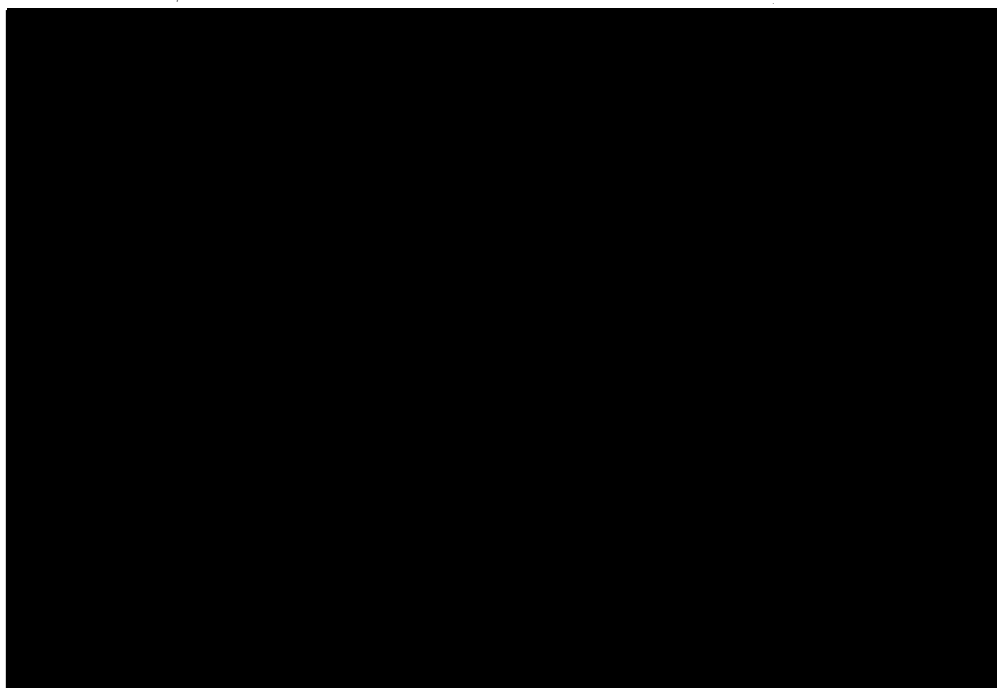
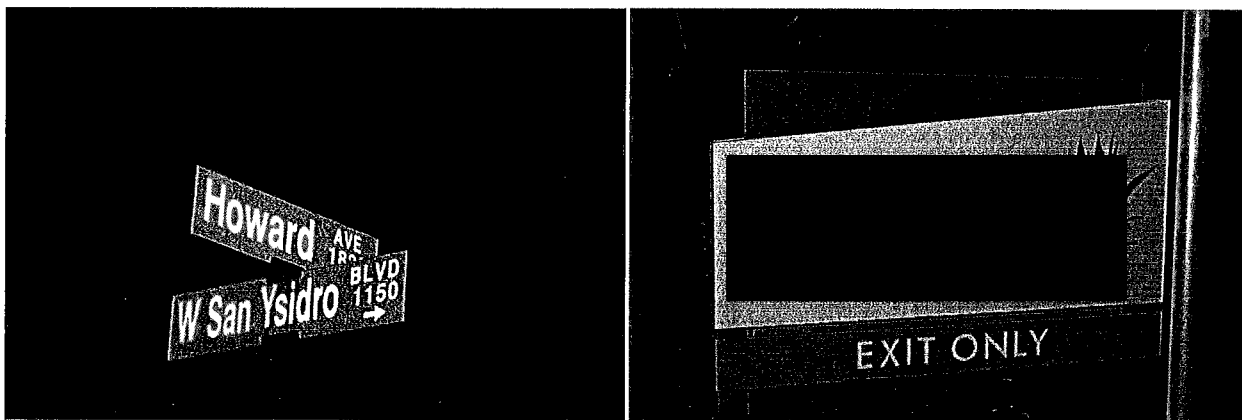


ORIGIN:

On 09/28/2015, at approximately 0200 hours, I received a telephone call from Detective Sergeant Paul CONLEY from Homicide Team IV. Sergeant CONLEY informed me there had been an Officer Involved Shooting at 1170 W. San Ysidro Boulevard. I was instructed to meet with other investigators at the location.

At approximately 0300 hours, I arrived on scene and met with other members of Homicide Team IV which consisted of Detectives Juan CISNEROS #5811, Jonathan DUNGAN #6137, Al LOZANO #4819 and Detective Sergeant Paul CONLEY #4673. Also present were Lieutenant Paul RORRISON #4305 and Captain David NISLEIT #4303 from the homicide unit.

The scene was contained in the South Bay/San Ysidro community of San Diego, California. The division the incident took place in was the Southern Division Command. When I arrived, the area surrounding the crime scene, including the inner and outer perimeter, was cordoned off with yellow crime scene tape and was protected by uniformed patrol officers. The cordoned off area included the entire north-east facing parking lot at the Rio Vista Apartments (consisting of addresses 1120-1260 West San Ysidro Blvd with the apartment complex office address of 1190 West San Ysidro Blvd). Collection of evidence from the crime scene primarily involved sidewalks, parking lot areas and complex areas for the addresses of 1150 and 1170 West San Ysidro Blvd.



BRIEFING:

Sergeant TIVANIAN #5871 conducted a briefing in the parking lot of the [REDACTED] Apartments at 1190 West San Ysidro Blvd. The briefing started at approximately 0317 hours and concluded at 0339 hours. This briefing was recorded and all personnel present identified themselves on the recording. A copy was impounded at Headquarters under **Barcode #10536131**. Sergeant TIVANIAN essentially stated the following :

At 0104 hours, San Diego Police Communications, dispatcher Cynthia Hall #8553, received a 911 call from a male at 1170 West San Ysidro Blvd [REDACTED] Officer's Jeff McCOY #7099, and Kyle RACK #7310 were the first officers to respond along with Officer Matthew HERKELMAN #7292 (Sergeant TIVANIAN did not discuss the particulars of the 911 call or the shooting at this point in the briefing). Sergeant TIVANIAN said after the shooting of HERNANDEZ, Medic #29 (Kevin VICTOR #11792 and Tomas ALCANTAR #1959 responded and performed CPR. HERNANDEZ was transported to Mercy Hospital and Officer HERKELMAN followed the medic vehicle in his police vehicle. HERNANDEZ was pronounced deceased by Doctor Yang at 0207 hours.

Sergeant TIVANIAN continued the briefing and stated the body came to rest partially on the landing and on the steps leading to the landing. His body was facing south and was face down. The weapon HERNANDEZ had was near his hand and moved by Officer MCCOY. The [REDACTED] HERNANDEZ lived with was identified as [REDACTED] and was interviewed by responding officers. [REDACTED] stated Alberto HERNANDEZ has psychological issues and was not taking his medication. She also stated Alberto was going to attend a meeting with his psych doctor on 09/25/2015, but never attended the meeting. [REDACTED] said Alberto HERNANDEZ had depression and his intentions were to call the police to take him to jail. [REDACTED] said Alberto HERNANDEZ told her when the police arrive at the house to stay inside.

Southern Division Officers responded to the listed address and attempted to make contact at the front door of the apartment. HERNANDEZ answered the front door with a gun in his hand and then closed the door on the officers.

The Officers came downstairs to take positions of cover and to watch the door. HERNANDEZ opened the door four to five times pointing the gun in the air, to the side or outward. HERNANDEZ came out a short time later with the gun in his hand. HERNANDEZ was ordered to drop the gun multiple times and did not. Three Officers fired on HERNANDEZ and a fourth Officer pulled the trigger of his weapon, but it did not fire. HERNANDEZ was shot as he was coming downstairs. Shots were fired at 0127 hours.

The primary witness is HERNANDEZ' [REDACTED]

[REDACTED] is a Spanish Speaker only.
Officer TORRES 6618 is standing by with her.

Next witnesses, [REDACTED] and in the same apartment is [REDACTED] said he was having trouble sleeping and saw lights flashing in the parking lot. They heard commands being shouted to "drop the gun" several times which caused them both to look out the window. They saw HERNANDEZ walking down the stairs and saw Officer's in the parking lot scattered and take up positions of cover. They heard five to six gun shots and saw HERNANDEZ go down on the landing. They never saw HERNANDEZ put his gun down or drop it.

Next witness is [REDACTED] She said she was asleep and was awoken by two gun shots. She heard people yelling, "Get down, drop it and get back inside."

Last identified witness is [REDACTED] He did not witness the incident. He heard three police officers outside and heard one officer say, "Shoot him." Then heard ten shots.

The suspect identification was through [REDACTED]

The shooters were identified as Brandon LULL #7300, Jeff MCCOY #7099, and Jonathan WELLS #7319. Officer Dean BISHOP #5937 pulled the trigger of his weapon, but it did not fire. Three impact rounds were found above the door to 1170 West San Ysidro Blvd [REDACTED] but did not penetrate into the apartment.

Officer Peter BELANGER #7326 has been standing by with the weapon since shortly after the incident occurred.

Several officers on scene were wearing Body Worn Cameras during the incident. The only one identified at this point in the briefing was Dean BISHOP.

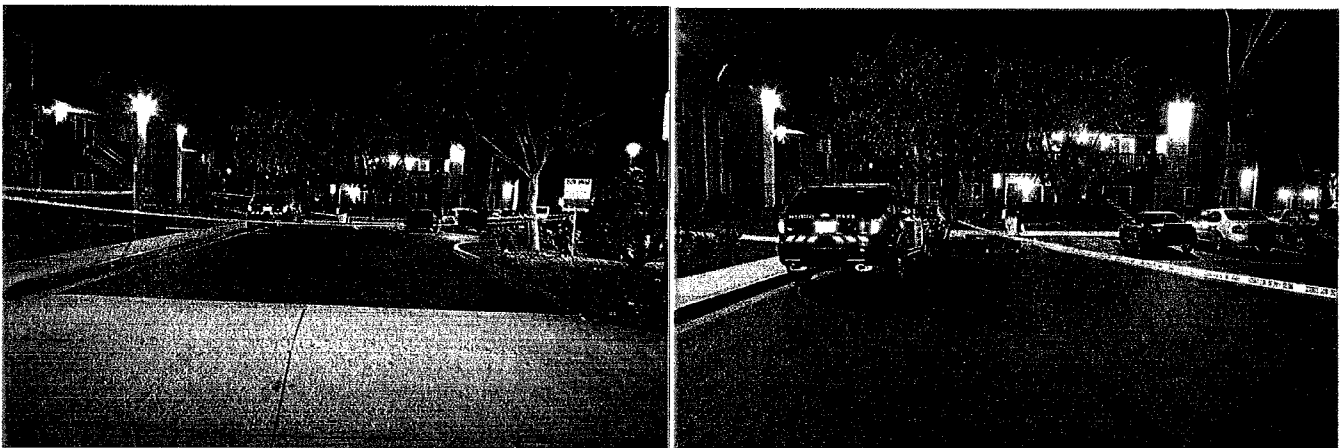
Following the briefing, Sergeant CONLEY assigned myself, Detective Al LOZANO, CSS Ally SOUTHERLAND and CSS Intern Emilia CASTANEDA #0284 to process the crime scene. Criminalist Steve CORDES #8328 was also present and assisted in the investigation.

INFORMATION PRE-WALK THROUGH:

Officer HERKELMAN #7292 followed the ambulance from the scene to Scripps Mercy Hospital. Dr. YANG pronounced HERNANDEZ deceased at 0207 hours. Detective CISNEROS was assigned to meet M.E. Investigator Mark MALAMATOS #16 at Mercy to witness the collection of HERNANDEZ' body by the Medical Examiner's Office (See Detective CISNEROS' report for further details).

MEI MALAMATOS took custody of HERNANDEZ' body and tagged the body bag with ME Case [REDACTED] and he was transported to the San Diego County Medical Examiners Office.

After the briefing, at approximately 0345 hours, I took notice of the lighting conditions as they were after the briefing. Each apartment complex building has a series of lights that were somewhat standard for all the building in the complex. Unit number [REDACTED] and [REDACTED] each had two main post lights high up on the wall that were orange/yellow in tint. There was one white light for each apartment front door and for the upstairs units there is one white light in the center as well as the porch light. Each porch light appears to be controlled by the resident and only on if they resident turned it on. The bottom units have only porch lights with no shared middle light. On the far reaching corners of each building was a white light as well. I did notice that some of the orange/yellow lights would fade and slowing turn on (it's unknown if they were sensor driven or designed to come on and off in a cycling fashion). It is unknown how many residents around 1170 West San Ysidro [REDACTED] had their porch lights on at the time units first went to make contact with HERNANDEZ at the door. ABLE video reveals which lights were on at the time of the shooting.



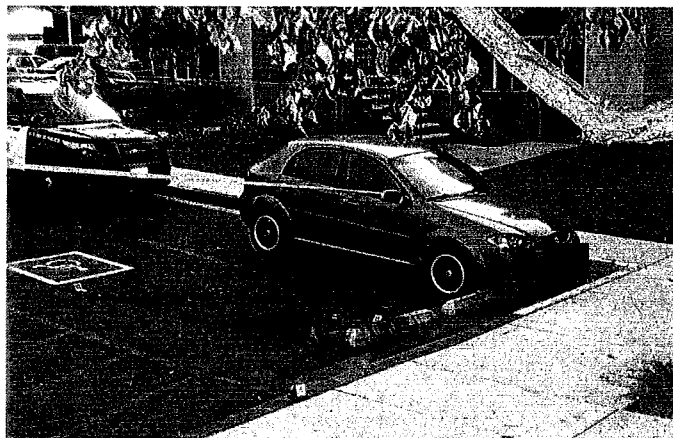
CSS Ally SOUTHERLAND started taking overall photographs at 0450 hours.

OFFICER WALK-THROUGH:

All Officers involved in the shooting agreed to do a voluntary walk-through to show investigators their approximate positions at the time of the shooting. Officer walk-through's were started at approximately 0540 hours with Officer MCCOY and ended with Acting Sergeant BISHOP at 0614 hours. Sergeant CONLEY recorded the walk-through's and more details can be found in his written report.

Important points from Officer MCCOY's walk-through are as follows:

Officer MCCOY says he was wearing a body worn camera that was on when he first made contact at the door. Officer's RACK and HERKELMAN were on scene with him. Officer MCCOY believes he was standing on the sidewalk in front of the handicapped parking spot in front of 1170 West San Ysidro Blvd and that he fired three to four shots at HERNANDEZ. CSS SOUTHERLAND walked over to the area and asked Officer MCCOY to tell her when she was in the spot he believed he was standing at the time of the shooting. CSS SOUTHERLAND marked the spot with a cone marked "M".



MCCOY also stated he believes there were two other patrol cars parked behind his patrol car (MCCOY'S vehicle can be seen in this picture) along the red curb at the time of the shooting. The walk-through with MCCOY ended at 0548 hours.

Important points from Officer LULL's walk-through are as follows:

Officer LULL says he was wearing a body worn camera, but doesn't believe he started it until after he moved his car into the street to put up crime scene tape. He said when he originally pulled up he was parked on the north east side of the exit driveway along the red curb and across the sidewalk of West San Ysidro. He said he moved his car after HERNANDEZ first opened the door displaying a gun in order to keep people from driving by the front of the complex. Officer LULL believes he was standing behind the bumper on the passenger side of MCCOY'S patrol car (SUV equipment #7166 plate #1383789) at the time he fired his weapon. He remembers firing twice and then again three or five more times. CSS SOUTHERLAND walked over and when Officer LULL said she was in the spot he believed she was standing, she placed a cone with the letter "L" on it. Officer LULL said he had a Glock 9mm. Officer LULL's walk-through ended at 0602 hours.



Important points from Officer WELLS walk-through are as follows:

Officer WELLS said when he arrived he parked in front of Officer LULL'S vehicle, which was along the north east curb line of the red curb on the opposite side of Officer MCCOY'S SUV. Officer WELLS said he remembered seeing Acting Sergeant BISHOP and Officer MCCOY and other officer's on-scene. He said he walked towards Officer MCCOY and believes he was standing near the driver's door of Officer MCCOY'S patrol car (SUV equipment number 7166 plate number 1383789) at the time he fired his weapon. Officer WELLS took us to the location of where he believes he was standing at the time of the shooting. CSS SOUTHERLAND place a cone with the letter "W" at the location Officer WELLS pointed out. Officer WELLS believes he shot two to three times.



Important points from Acting Sergeant's BISHOP's walk-through.

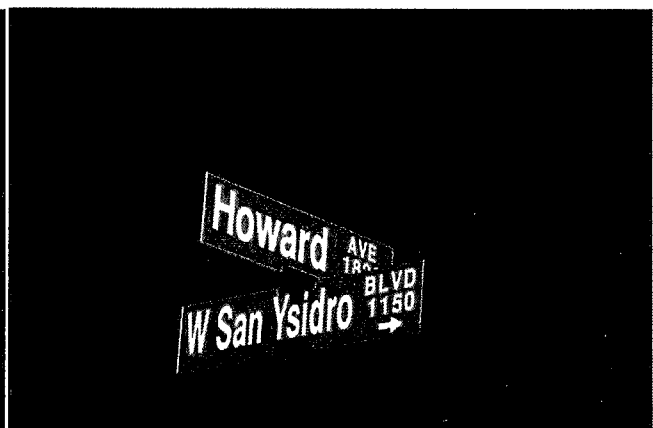
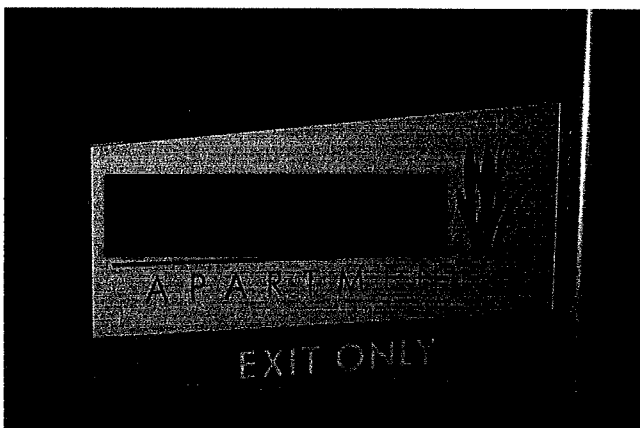
Acting Sergeant BISHOP was the supervisor for the evening and said he arrived after the other officers had already made contact. Acting Sergeant BISHOP said he was wearing a Body Worn Camera and it was on during the incident. Acting Sergeant BISHOP also advised us that ABLE was overhead while he was there (This was not something we knew at the original briefing). Acting Sergeant BISHOP said he believes he was standing to the right of a truck with a camper shell and a white older Mercedes. Acting Sergeant BISHOP said he saw HERNANDEZ come down the stairs pointing a gun in his direction and tried firing his weapon, only to discover it was unloaded. Acting Sergeant BISHOP directed CSS SOUTHERLAND to the location he believed he was standing and SOUTHERLAND place a cone with the letter "B" on it at the location he pointed out.



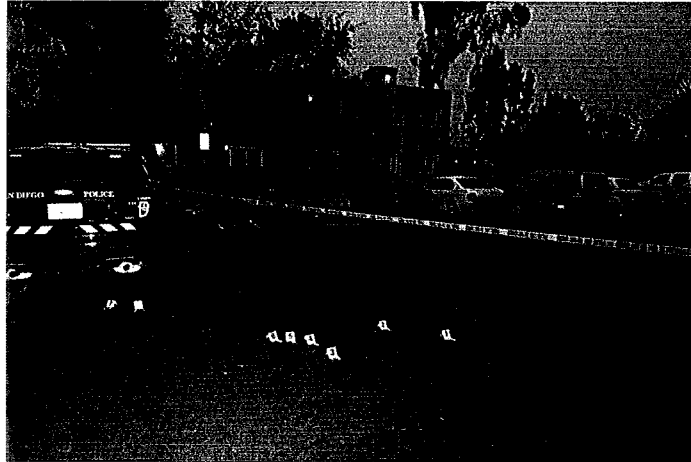
SHOOTING SCENE:

CSS Alley SOUTHERLAND starting marking items of evidence around 0630 hours.

The scene was contained in the South Bay/San Ysidro community of San Diego, California. The division the shooting occurred in is the Southern Division Command. The closest intersection is 1150 West San Ysidro and 1800 Howard Avenue. When I arrived, the area surrounding the crime scene, including the inner and outer perimeter, was cordoned off with yellow crime scene tape and was protected by uniformed patrol officers. The cordoned off area included the entire north east facing parking lot at the [REDACTED] Apartments (consisting of addresses 1120-1260 West San Ysidro Blvd with the apartment complex office address of 1190 West San Ysidro Blvd). Collection of evidence from the crime scene primarily involved sidewalks, parking lot areas and complex areas for the addresses of 1150 and 1170 West San Ysidro Blvd only.



Officer MCCOY'S vehicle on the passenger side to designate Officer LULL'S position at the time of the shooting. Based on evidence found at that location, it was believed Officer LULL shot 6 times, which was within his estimation of the shots he thought he had fired.



Items 8 and 9 were found to the east of MCCOY'S patrol SUV and were 2 casings (9mm Luger). They were marked as item number 8 and 9. Item 8 was found in the crease of the sidewalk and item 9 was found almost on the red curb portion of the sidewalk. Both items were towards the tail end of Officer MCCOY'S SUV. A cone with the letter "W" was placed at the rear of the driver's side door indicating Officer WELLS position at the time of the shooting. The casings found here would be consistent with Officer WELLS location and his estimation of how many shots he thought he had fired.



Items 10 through 12 were found directly in front of Officer MCCOY's patrol SUV near an orange Suzuki sedan [REDACTED]. Directly west of the Suzuki was a empty handicap parking spot. Placed on the curb was a cone with the letter "M" on it. This was to designate the location Officer MCCOY recalls standing at the time he fired his weapon. Within the handicap parking spot were 3 casings (9mm Luger). They were

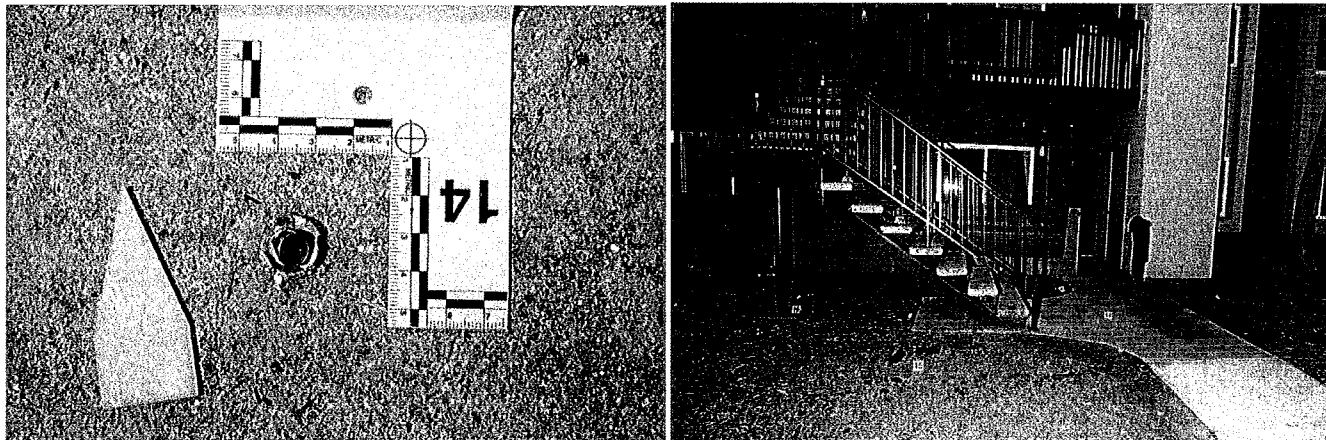
marked as item numbers 10-12. The casings found here would be consistent with Officer MCCOY'S remembering his shooting position and his estimation of how many shots he thought he fired.



Item 13 was the gun HERNANDEZ was holding and pointing at officers as he walked down the steps. After HERNANDEZ was shot by Officer's, Officer MCCOY says he pushed the gun away from HERNANDEZ hand and it landed in this location. Officer BELANGER #7326 stood by with the weapon at this location until CSS SOUTHERLAND collected it. It was black in color and looked like a Beretta 9mm. Closer examination revealed the gun was a BB gun with the protective orange tip removed.

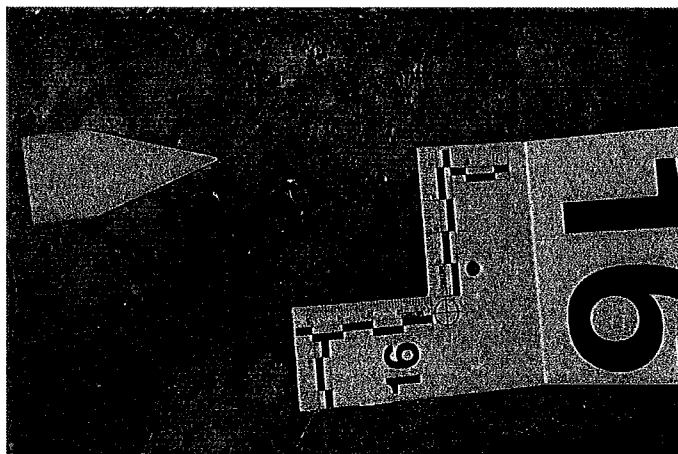


Item 14 was one (1) bullet found at the bottom of the stairway on the sidewalk. The bullet had remnant of plaster next to it.



Item 15 was a pair of black gloves. At the time of collection it was unknown where they came from. After reviewing the body worn cameras, I could see an unknown officer dropping them over the railing and it appeared to be because they had the suspects blood on them.

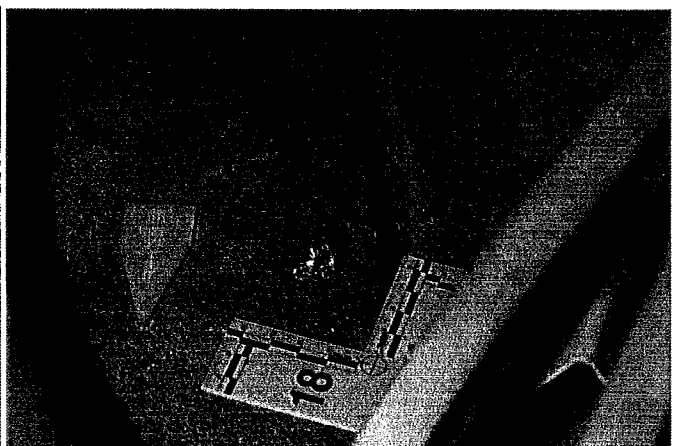
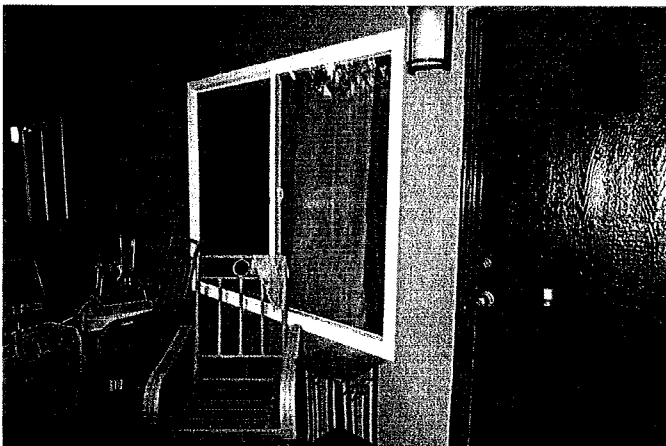
Item 16-was one (1) bullet found on the bottom cement portion of the supporting post of the staircase landing.



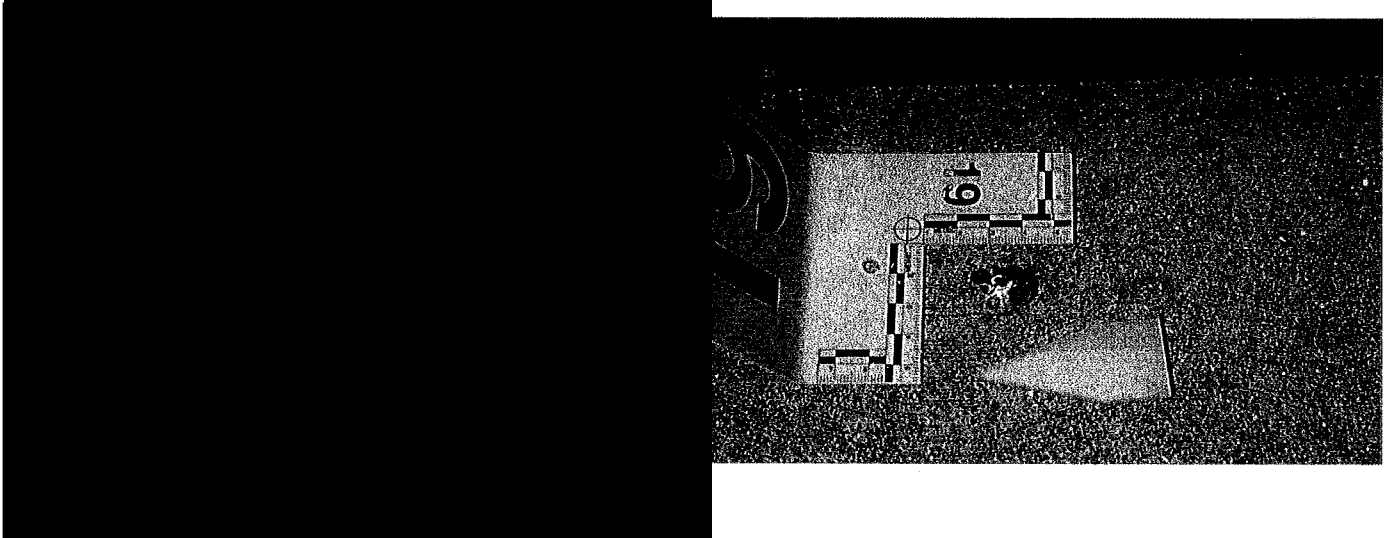
Item 17 was one (1) bullet found in the parking lot in front of a silver ford pickup with a camper shell



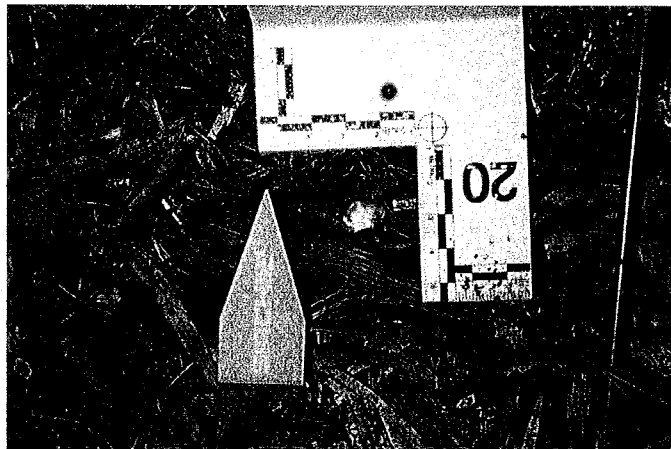
Item 18 was one (1) bullet found in the porch enclosure of apartment [REDACTED] at 1170 WSY.



Item 19 was one (1) bullet found on the 5th step up from the bottom of the staircase leading to HERNANDEZ apartment [REDACTED]



Item 20 was a bullet fragment found in the bark area just south of the staircase, between the staircase and the porch wall of unit number [REDACTED]



Item 21-Blood swabs. Taken from the blood pool on the 7th step up from the bottom of the staircase leading to HERNANDEZ' apartment [REDACTED] This is where HERNANDEZ collapsed after being shot.



Item 22-Handcuffs. Handcuffs used on HERNANDEZ prior to medics arrival. When removed they were secured in MCCOY'S vehicle.



Items A-G. Items A-G are bullet impact locations. Only 1 bullet was found in an impact point and that was letter F. After examination of F, a bullet was found inside. The impact locations and descriptions are as follows:

A-Impact mark on a railing spindle. Located on the landing of the staircase on the middle or 5th spindle from either side. This impact is on the railing that faces the parking lot.



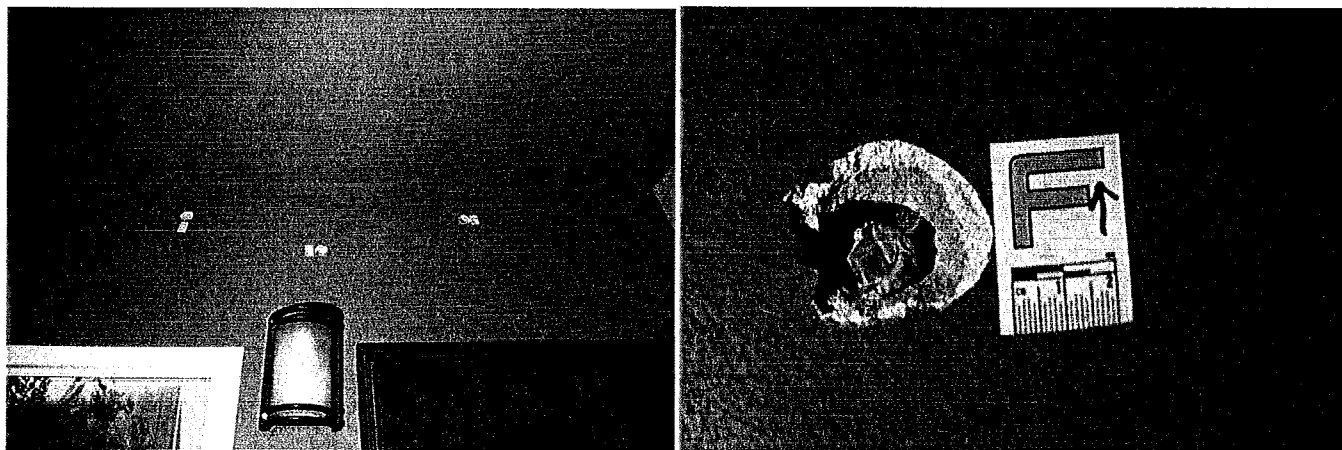
B-Impact mark on the railing spindle. 1st spindle down after the landing, or 19th spindle up from the bottom of the staircase. On the railing that is facing the parking lot. This impact appears to be a through and through.



C-Impact mark on the railing spindle. 14th spindle from the bottom of the staircase on the side closest to apartment [REDACTED]



D through F-Impact mark on the wall above the apartment door of [REDACTED] D and E did not penetrate and F penetrated enough to allow the bullet to drop slightly inside the hole.



G-Impact mark on the apartment door at 1170 WSY [REDACTED]



EVIDENCE MEASUREMENTS:

It should be noted that this complex does not sit on or near a true North/South plane. When standing directly in front of 1170 West San Ysidro Blvd facing the street, a compass shows the address 33 degrees NE. So for clarification purposes, I will be referring to north as facing the street, south as facing 1170 West San Ysidro, East as facing 1150 West San Ysidro and West as facing across the parking lot away from 1150 West San Ysidro Blvd. All addresses referred in the report are West San Ysidro when abbreviated as WSY.

Legend:

R1: [REDACTED] (1190 West San Ysidro Blvd) specifically north of 1170 West San Ysidro Blvd, North curb line measurement (S designated as S of North curb line).

R2: [REDACTED] (1190 West San Ysidro Blvd) specifically west of 1150 West San Ysidro Blvd-Exit Only driveway sidewalk/curbline in front of 1150 West San Ysidro, (W is designated as W of the East curbline and E is East of East curbline).

Item #	Description	R1	R2	
1	Casing	48.10 ft S	13.11 ft W	
2	Casing	50.2 ft S	12.6 ft W	
3	Casing	48.7 ft S	10.2 ft W	
4	Casing	49.9 ft S	10.0 ft W	
5	Casing	50.2 ft S	9.6 ft W	
6	Casing	50.3 ft S	9.1 ft W	
7	Bullet	55.2 ft S	4.4 ft W	
Patrol Car	MCCOY'S Patrol Car #7166 License plate E1383789	56 ft S	4 inches W	Both measurements taken from center rear and center drivers side.
L	Officer LULL	55 ft S	5.2 ft W	LULL'S estimated standing position at the time of the shooting
W	Officer WELLS	66.9 ft S	1 ft E	WELLS estimated standing position at the time of the shooting-by driver's door rear view mirror.
8	Casing	52.6 ft S	2.3 ft E	In the crease of sidewalk
9	Casing	54.7 ft S	.6 ft E	Next to red curbline
10	Casing	95.8 ft S	12.5 ft W	
11	Casing	92.11 ft S	10.2 ft W	
12	Casing	83.0 ft S	13 ft W	
M	Officer MCCOY	96.5 ft S	17.8 ft W	Standing on blue curbline on edge of sidewalk.
13	Gun-Powerline by Daisy .177 caliber 4.5 mm BB	104 ft S	18.9 W	Toss by units away from suspect. In bark area.

14	Bullet	113 ft S	41.0 ft W	Near walkway to apartment [REDACTED] at 1170 WSY
15	Black Gloves	108.9 ft S	35 ft W	Unknown Officer's gloves tossed after handcuffing suspect
16	Bullet	112.8 ft S	30.4 ft W	On the cement block area of the supporting post to the landing of the staircase.
17	Bullet	95.5 ft S	55.4 W	In front of vehicle [REDACTED] Standing to rear passenger side of [REDACTED]
B	Acting Sergeant BISHOP			Driver's floor board of MCCOY'S vehicle #7166
22	Handcuffs	67 ft S	N/A	

R3: [REDACTED] Specifically 1170 West San Ysidro at NW corner of the inside of the alcove to apartment #7 (lower NW apartment) and measuring out from the NW Walls of the corner of apartment [REDACTED] porch alcove. The floor to ceiling measurement inside the alcove is 106 inches.

Item #	Description	R3	R4	
18	Bullet	18.5 inches N	138 inches E	In porch alcove of apartment [REDACTED]
19	Bullet	N/A	135 inches E	On 5 th step up from the bottom of staircase.
20	Fragment of bullet	155 inches N	57 inches E	In bark around infront of apartment [REDACTED]
21	Blood swabs	N/A	153 inches E	On 7 th step up from bottom of staircase.
A	Bullet Mark	N/A	N/A	5 th North facing spindle from r or l of the the staircase landing. 18.5 inches up from the bottom of the landing.
B	Bullet Mark			19 th north facing spindle from the bottom of the stair rails. 36 inches up from the the 7 th step.
C	Bullet Mark			14 th south facing spindle from the bottom of the stair rails. 13 inches up from the 6 th step.
D	Bullet Mark	N/A	64 inches E	Above door of apartment [REDACTED]-6 inches down from ceiling of alcove.
E	Bullet Mark		40 inches E	Above door of apartment [REDACTED] 10.5 inches down from ceiling of alcove.

F	Bullet Mark and Bullet	30 inches E	Above door of apartment ■-6 inches down from the ceiling and Bullet removed from inside the hole.
G	Bullet Mark	30.5 E	To door of apartment ■-67 inches down from the ceiling of alcove. On apartment door ■

Once all items of evidence were photographed and measured, they were collected by CSS SOUTHERLAND and impounded at Headquarters (see her report for further details). The interior portion of the crime scene was maintained by patrol to facilitate the clean-up of biological material caused by the shooting.

I secured the scene at approximately 0910 hours.

Reporting Detective Kimberly A. Collier I.D. 5537 Homicide Team: IV
Approved by: Sergeant P.D. Conley #4673 Date of this report: 09/30/2015 Time: 1100 hrs

SAN DIEGO POLICE DEPARTMENT JT
HOMICIDE SCENE ROSTER/SUMMARY REPORT

Location: 1170 W SAN YSIDRO [REDACTED] Date: 9-28-15 Time: 0127 ^{APPROX.} Beat: 712

INCIDENT NUMBER: _____

Suspect(s): _____ Victim(s): _____

Sgt./Lt.: SHARKEY ID 5986 Scribe: PACK ID#: 7310

SERGEANT'S CHECK LIST

1. _____ SCENE CONTAINMENT, PROTECT EVIDENCE. TIME PERIMETER ESTABLISHED _____ HRS.
2. _____ INSURE SCENE IS LARGE ENOUGH (CONSIDER ESCAPE ROUTE OF SUSPECT).
3. _____ NEIGHBORHOOD CHECK.
4. _____ IDENTIFY, ISOLATE AND INTERVIEW ALL WITNESSES.
5. _____ DOCUMENT WITNESS SEARCH.
6. _____ ATTEMPT TO IDENTIFY THE SUSPECT.
7. _____ BROADCAST ALL UNITS IF NECESSARY.
8. _____ CONDUCT A FOLLOW UP INVESTIGATION WHENEVER POSSIBLE.
9. _____ RECORD ALL LICENSE PLATES IN SCENE AREA.
10. _____ PREPARE A LIST OF KEY WITNESSES TO DISCUSS DURING HOMICIDE BRIEFING.
11. _____ REVIEW AND APPROVE ALL REPORTS FROM PATROL OFFICERS AT SCENE (HEADING ON REPORTS).
12. _____ COMPLETE THE HOMICIDE ROSTER REPORT FORM.

UNIT RESPONSE AND ASSIGNMENT

1ST OFFICER/UNITS ON SCENE:

1. _____	ID# _____	2. _____	ID# _____
3. _____	ID# _____	4. _____	ID# _____

OFFICER'S ENTERING SCENE:

1. _____	ID# _____	2. _____	ID# _____
3. _____	ID# _____	4. _____	ID# _____
5. _____	ID# _____	6. _____	ID# _____

OFFICER'S AT SCENE:

(Gun)	NAME	ID#	UNIT #	ARJIS 9	SCENE ASSIGNMENT
1.	BELANGER/TORRES	7326	71263		W/ SWS [REDACTED] / GUN
2.	CAMP FIELD		442K		WITNESS 1150
3.	LACAN GAN		444J	YES	WITNESS 1150
4.	CORTIZ	5999	442K	YES	EAST NORTH PERMITER
5.	CASSIDY	7283	724J	YES	WITNESS 1150
6.	ZWIBEL		4002S		1170 # [REDACTED]
7.	ZWIBEL	5475	4002S		WELLNESS
8.	NOVAK	5048	2270 L		I.A.
9.	JARVIS	3663	88 UNITS		PATROL CHIEF
	SOUTHERLAND	8841			CRIME SCENE SPECIALIST
	ZIMMERMAN				CHIEF
12.	TAI	4709	7006		SOUTHERN CAPTAIN
13.	CASTANEDA	0284			CRIME SCENE INTERM
14.	DEAN, BOBBY	85			DA INVESTIGATOR
15.	CONLEY	4673	1640 S		

PARAMEDICS UNIT # 1. _____ 2. _____ 3. _____ FIRE UNIT # 1. _____ 2. _____ 3. _____

HOMICIDE TEAM # _____ ASSUMED CONTROL OF THE SCENE AT _____ HOURS.

WITNESS CHECK/DETENTION

	NAME	DOB	SS #	ADDRESS AND PHONE	OFFICER	ID #
1.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2.	[REDACTED]	[REDACTED]	INTERVIEWED	[REDACTED]	6629	[REDACTED]
3.	[REDACTED]	[REDACTED]	(NEG)	[REDACTED]	[REDACTED]	6962 0655
4.	[REDACTED]	[REDACTED]	A-9	[REDACTED]	[REDACTED]	6962 0700
5.	[REDACTED]	[REDACTED]	NEG	[REDACTED]	[REDACTED]	6962 0715
6.	[REDACTED]	[REDACTED]	A-9	[REDACTED]	[REDACTED]	6962 0720
7.	[REDACTED]	[REDACTED]	INTERVIEWED	[REDACTED]	[REDACTED]	6962 0735
8.	[REDACTED]	[REDACTED]	A-9	[REDACTED]	[REDACTED]	6962
9.	[REDACTED]	[REDACTED]	ESCORTED	[REDACTED]	[REDACTED]	6962 0810

NARRATIVE

SAN DIEGO POLICE DEPARTMENT

HOMICIDE SCENE ROSTER/SUMMARY REPORT

Location: 1170 W SAN YSIDRO BLVDDate: 9-28-15Time: 0127Beat: 712

INCIDENT NUMBER: _____

Suspect(s): _____

Victim(s): _____

Sgt./Lt.: SHARKIID 5986Scribe: RACKID#: 7310

SERGEANT'S CHECK LIST

1. _____ SCENE CONTAINMENT, PROTECT EVIDENCE. TIME PERIMETER ESTABLISHED _____ HRS.
2. _____ INSURE SCENE IS LARGE ENOUGH (CONSIDER ESCAPE ROUTE OF SUSPECT).
3. _____ NEIGHBORHOOD CHECK.
4. _____ IDENTIFY, ISOLATE AND INTERVIEW ALL WITNESSES.
5. _____ DOCUMENT WITNESS SEARCH.
6. _____ ATTEMPT TO IDENTIFY THE SUSPECT.
7. _____ BROADCAST ALL UNITS IF NECESSARY.
8. _____ CONDUCT A FOLLOW UP INVESTIGATION WHENEVER POSSIBLE.
9. _____ RECORD ALL LICENSE PLATES IN SCENE AREA.
10. _____ PREPARE A LIST OF KEY WITNESSES TO DISCUSS DURING HOMICIDE BRIEFING.
11. _____ REVIEW AND APPROVE ALL REPORTS FROM PATROL OFFICERS AT SCENE (HEADING ON REPORTS).
12. _____ COMPLETE THE HOMICIDE ROSTER REPORT FORM.

UNIT RESPONSE AND ASSIGNMENT

1ST OFFICER/UNITS ON SCENE:

1. _____	ID# _____	2. _____	ID# _____
3. _____	ID# _____	4. _____	ID# _____

OFFICER'S ENTERING SCENE:

1. _____	ID# _____	2. _____	ID# _____
3. _____	ID# _____	4. _____	ID# _____
5. _____	ID# _____	6. _____	ID# _____

OFFICER'S AT SCENE:

#	NAME	ID#	UNIT #	ARJIS 9	SCENE ASSIGNMENT
1.	CHAVEZ	5575	27735		
2.	BERRIER	8791	LAB		
3.	LOZANO	4819	HOMICIDE TEAM 4		
4.	CORTES	8328	LAB		
5.	COLLIER	5537	1641		
6.	CRISNEROS	5811	1643D	TEAM 4	
7.	DUNNAN	6137	1642D		
8.	NISLEIT	4303	1600C		
9.	RODRIGON	4305	1602L		
10.	SAJNSANOI	5638	81251		FIRST WATCH SGT.
	SMITH	6966	72231		WEST PERIMETER
12.	BRAWLEY	7084	72101		EAST PERIMETER
13.	ABOT	7081	71451		MIDDLE PERIMETER
14.	TELLO	7109	7231L		RELIEVED OFFICER TORRES
15.	ESTRADA	6962	723K1	YES	RELIEVED OFFICER RACK

HOMICIDE TEAM # _____ ASSUMED CONTROL OF THE SCENE AT _____ HOURS.

	NAME	DOB	SS #	ADDRESS AND PHONE	OFFICER	ID #
1.	[REDACTED]	[REDACTED]	PED ESCORT	[REDACTED]	[REDACTED]	6902 0850
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard sheet of stationery. There is no handwriting or other markings on the page.

ID # _____

		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
				PAGE 1 of 2	
CODE SECTION AND DESCRIPTION PC / 417(C):F / EXHIBIT FIREARM IN PRESENCE OF PEACE OFFICER		DATE 09/28/2015	DAY OF WEEK Monday	CASE NUMBER 00000000	
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]			CITY SAN DIEGO	BEAT 712	

ORIGIN:

On 09/28/2015 at 0106 hours, Officer Rack #7310, Officer McCoy #7099 and I responded to a 911 call at 1170 West San Ysidro Boulevard Apartment [REDACTED]. According to the call the 911 caller said "I want to shoot her."

Officer's Statement:

Apartment [REDACTED] There is a narrow staircase and a small balcony leading to each of the apartments on the second floor of the building. Officer Rack, Officer McCoy and I went to the front door of apartment [REDACTED] and knocked. A man opened the door and Officer McCoy drew his firearm and yelled at the man to drop the gun repeatedly. The man closed and locked the door. Officer McCoy got on the radio and advised dispatch of the situation while we moved away from the front door of the apartment to a position of safety. As we watched the front of the apartment building, the suspect opened the door multiple times and pointed his gun outside. I checked the back of the apartment building and determined the only exit from the apartment was through the front. We made the decision to start evacuating residents from the first floor apartments.

While I was in the process of evacuating the second apartment on the first floor, the suspect opened the door and walked outside. I could hear several different officers repeatedly yelling at him to drop the gun. I was standing under the second floor balcony so I could not see him. I took a knee behind a small wall in front of the apartment I was evacuating. I saw the suspect walk down the stairs. I could see that he had a pistol in his hand and he appeared to be aiming it towards the officers in front of the building. The suspect was wearing an orange sleeveless shirt and blue jeans. He appeared to be moving very slowly and pointed the gun side to side as if at multiple targets in the direction of the officers. I drew my firearm and pointed it at him. Due to concerns over crossfire/blue on blue fire I decided not to engage the suspect and took cover behind the wall. I heard multiple shots fired and then it went quiet. I ran into the apartment and told the [REDACTED] living there to go to the back of the apartment to get them out of the line of fire. I could see the suspect laying in a ball on the stairs from inside the apartment. Officers approached the suspect and placed him in handcuffs.

The suspect was taken to Scripps Mercy Hospital by Paramedic unit 29. I met the paramedics at Mercy. The suspect arrived at Mercy at 0202 hours where the medical staff performed CPR until he was declared deceased at 0207 hours by Dr Yang. Joanna Wright, the lead nurse for the trauma unit, was my contact at the hospital. Wright told me the suspect had 10 bullet wounds to the front of his body but they hadn't checked his back. The suspect only had a pair of keys on him. I maintained custody of the body while it was at the hospital until I was relieved Homicide Detective J. Cisneros #5811 and Medical Examiner Mark Malamatos #16.

REPORTING OFFICER MATTHEW HERKELMAN	I.D. # 7292	DIVISION S3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 05:36
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CONTINUED FROM

SAN DIEGO REGIONAL OFFICER'S REPORT

INCIDENT NUMBER

15090056613

PAGE

2 of 2

CASE NUMBER

00000000

Approved By: Sgt. Sainsanoy #5638

REPORTING OFFICER MATTHEW HERKELMAN	I.D. # 7292	DIVISION S3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 05:36
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(Revised 09/2013 Electronic)

SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

	INCIDENT NUMBER 15090056613
PAGE 1 of 2	CASE NUMBER 00000000

VICTIM / WITNESS											
		W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) [REDACTED]								
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]				STATE [REDACTED]		ZIP [REDACTED]		
RACE [REDACTED]	SEX [REDACTED]	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM STRNG	RELATION TO SUSPECT STRNG	V/W ASSIST N		
CONTACT [REDACTED]											
ID [REDACTED]											
STATUS [REDACTED]		EMPLOYER (RANK IF MILITARY) [REDACTED]		BUSINESS ADDRESS [REDACTED]			CITY [REDACTED]		STATE [REDACTED]		ZIP [REDACTED]
ADDITIONAL INFORMATION											

VICTIM / WITNESS											
		W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) [REDACTED]								
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]				STATE [REDACTED]		ZIP [REDACTED]		
RACE [REDACTED]	SEX [REDACTED]	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM	RELATION TO SUSPECT	V/W ASSIST N		
ID [REDACTED]											
STATUS [REDACTED]		EMPLOYER (RANK IF MILITARY) [REDACTED]		BUSINESS ADDRESS [REDACTED]			CITY [REDACTED]		STATE [REDACTED]		ZIP [REDACTED]
ADDITIONAL INFORMATION											

VICTIM / WITNESS											
		W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) [REDACTED]								
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]				STATE [REDACTED]		ZIP [REDACTED]		
RACE [REDACTED]	SEX [REDACTED]	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM	RELATION TO SUSPECT	V/W ASSIST N		
ID [REDACTED]											
STATUS [REDACTED]		EMPLOYER (RANK IF MILITARY) [REDACTED]		BUSINESS ADDRESS [REDACTED]			CITY [REDACTED]		STATE [REDACTED]		ZIP [REDACTED]
ADDITIONAL INFORMATION											

REPORTING OFFICER AMANDA ESTRADA	I.D. # 6962	DIVISION S1	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 11:44
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(Revised 09/2013 Electronic)

CONTINUED FROM CRIME		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
CODE SECTION AND DESCRIPTION HS / UNKNOWN / UNKNOWN/INVALID CHARGE				CASE NUMBER 00000000	
DATE 09/28/2015		DAY OF WEEK Monday		TIME 01:30	
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]				CITY SAN DIEGO	BEAT 712

Officer's Statement:

On 09-28-2015, about 0700 hours, Officer Tello #7109 and I responded to the scene at 1170 W. San Ysidro Blvd to assist officers on incident #15090056613. I relieved Officer Rack (#7310) as scene scribe. I spoke with [REDACTED] who was in her apartment during the incident. I obtained the following paraphrased statement:

Statement of [REDACTED] (Witness):

I was in my apartment and I heard yelling. I heard someone say, "Drop the gun!!" Then I heard about 5 shots.

-End of Statement-

I also spoke with [REDACTED] who was in her apartment during the incident. I obtained the following paraphrased statement:

Statement of [REDACTED] (Witness):

At around 1:15 (am) I was in my apartment and I heard a lot of yelling. I couldn't hear what they were yelling so I just thought it was people playing around. Then I heard 3 or 4 shots. It scared me so much I called into work today.

-End of Statement-

I spoke with [REDACTED] who heard the incident, and I obtained the following paraphrased statement:

Statement of [REDACTED] (Witness):

I was in my apartment and I heard gunshots. I looked out the window which overlooks the parking lot and I saw all the police cars. I heard 5 or 6 shots and I saw the guy on the stairs slumped over.

-End of Statement-

Approved by: Sgt. Sainsanoy #5638

REPORTING OFFICER AMANDA ESTRADA	I.D. # 6962	DIVISION S1	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 11:01
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OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
				PAGE 1 of 1	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153			DATE 09/28/2015	DAY OF WEEK Monday	TIME 01:23
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]				CITY SAN DIEGO	BEAT 712
PERSON(S) INVOLVED: VICTIM [REDACTED]					
SUSPECT (IF NAMED) Hernandez, Alberto					

Officer's Report:

On September 28, 2015 at 0123 hours, Officer Belanger #7326 and I responded to 1170 W San Ysidro Blvd [REDACTED] regarding a male with a hand gun who had threatened to kill his [REDACTED]. Upon arrival officers had made contact with a male at an upstairs apartment who had opened the door with a hand gun in his hand. The male later identified as Alberto Hernandez (11/28/55) slammed the door shut as officers took cover.

When Officer Belanger and I arrived, I grabbed my AR-15 and deployed out to the apartment complex. As I approached the complex, I saw Hernandez exit his apartment. Hernandez walked out to the balcony with a black handgun in his hand. Hernandez began had the handgun in the air and was waving it around towards police officers who were facing the apartment. Hernandez began to walk toward the stairs and began to walk down them. Hernandez continued to wave the gun around pointing it towards officers. Once he walked down the stairs he was on the mid platform and continued to point the gun at officers. At that time officers shot Hernandez. Hernandez fell on the platform.

Officer Mccoy #7099 and I approached Hernandez. I pulled out a pair of handcuffs and handcuffed Hernandez. Officer Mccoy and I then entered the residence to check the welfare of the female who was seen inside the apartment. Officer Mccoy and I cleared the residence. I remained in the apartment and spoke to [REDACTED]. I remained with [REDACTED] as I was able to obtain Hernandez's information from [REDACTED]. I remained in the apartment until Homicide investigators arrived. Homicide Detective Juan Cisneros #5811 came and interviewed [REDACTED].

After the interview, I was relieved by another officer who remained at the scene.

Approved by: A/Sgt. D. Bishop #5937

REPORTING OFFICER OSCAR TORRES	I.D. # 6618	DIVISION S3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 22:15
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OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
				PAGE 1 of 1	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 09/28/2015	DAY OF WEEK Monday	TIME 01:23	
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]			CITY SAN DIEGO	BEAT 712	
PERSON(S) INVOLVED: VICTIM [REDACTED]					
SUSPECT (IF NAMED) Hernandez, Alberto					

Officer's Report:

On 09/28/15 at 0123 Hours, Officer Torres #6618 and I responded to 1170 W San Ysidro Blvd [REDACTED] to investigate a male with a handgun threatening to kill his [REDACTED]

When officers arrived, the suspect, later identified as Alberto Hernandez, answered the door with the handgun in his hand and closed and locked the doors on the officers. The officers retreated to a position of cover until more units responded. Hernandez began opening the door and brandishing the handgun, but would then close the door.

When Officer Torres and I arrived on scene, we parked at the east entrance of the apartment parking lot to block off any traffic from the road and to block off the parking lot entrance. As we exited the vehicle, officers were already in front of the apartment complex. Officers began shouting orders at Hernandez to drop his weapon.

We ran towards the apartment to a position of cover behind parked vehicles in the parking lot. Hernandez was at the top of the stair case holding the handgun in his right hand. Hernandez was pointing it out at the officers in front of him. Hernandez began to walk down the stairs, still pointing his handgun towards officers. Hernandez was not complying with the Officer commands to put down the handgun.

Hernandez still had the handgun pointed at officers and after repeated attempts to get compliance. Officers opened fire on the suspect as he was advancing towards them. Hernandez fell on the steps just below the middle platform and was laying there with the weapon still next to his right hand. Hernandez was no longer moving and was not responding to officer's attempts to move away from the handgun. Hernandez was handcuffed by Officer Torres and Officer McCoy #7099. I assisted in clearing the apartment with other officers.

I was told to go downstairs and watch Hernandez' handgun until I was relieved.

Approved by: A/Sgt. D. Bishop #5937

REPORTING OFFICER PETER BELANGER	I.D. # 7326	DIVISION S3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 22:15
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OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
				CASE NUMBER 00000000	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 09/28/2015	DAY OF WEEK Monday	TIME 01:06	
LOCATION OF INCIDENT (OR ADDRESS) 1150 W SAN YSIDRO(SB) (SB) BL [REDACTED]			CITY SAN DIEGO	BEAT 712	

OFFICER'S STATEMENTS:

On 09-28-15, at 0106 hours, Officer J. Cortez #5999 and I were working patrol in Southeastern Division. While on patrol I could hear a radio call in Southern Division of a 911 hang up at 1150 W. San Ysidro Blvd [REDACTED]. The dispatcher advised that the reporting party, a male, said "I want to shoot her." The dispatcher also advised that she could hear a female in the background.

On the radio I could hear Southern units on scene advise a male came to the door holding a gun.

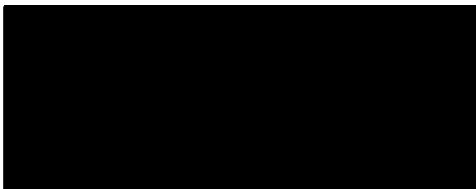
On 09-28-15, at 0125 hours, Officer J. Cortez #5999 and I volunteered to assist on the male with the gun incident at 1150 W. San Ysidro Blvd. While in route to the incident I heard Officers advised that the suspect continued to come to the front door holding a gun. Officers advised that the suspect was coming out of the residence and then that they had "shots fired." The Officers on scene advised that they had the suspect in custody.

Upon arrival I activated my Body Worn Camera (BWC). I could see the suspect was lying on the bottom stairwell, which lead up to 1150 W. San Ysidro Blvd [REDACTED]. The suspect was handcuffed. I spoke with Sergeant D. Bishop #5937 who asked if we could move the patrol vehicles out of the driveway and secure the scene. Officer Cortez and I moved the patrol vehicles. Officer Cortez then began setting up tape while I checked for evidence. I located several shell casings several feet from the rear end of the patrol vehicle #7166. Medics arrived on scene and transported the suspect.

After securing the scene I helped with witness checks in the apartment complex.

STATEMENTS:

Statement of [REDACTED] (Witness):



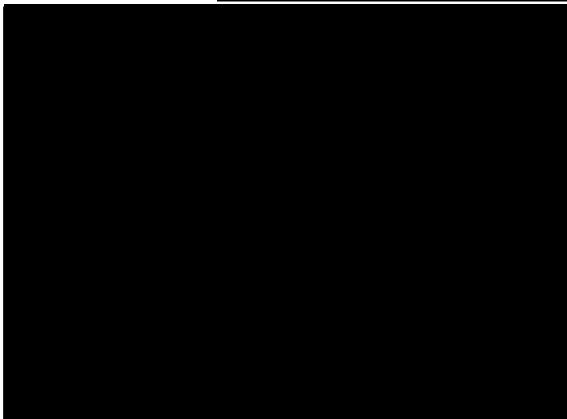
[REDACTED] said she woke up to two gunshots. [REDACTED] heard people yelling "Get down!", "Drop it!" and "Get back inside!" [REDACTED] said she got up and looked out the window. [REDACTED] saw the police outside. [REDACTED] said it took approximately ten minutes for the ambulance to arrive. When the ambulance arrived they took someone away on the stretcher.

REPORTING OFFICER GORDON CAMPFIELD	I.D. # 6037	DIVISION SE3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 02:22
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SAN DIEGO REGIONAL
OFFICER'S REPORT

After talking to [REDACTED] I attempted to contact the residence of 1150 W. San Ysidro Blvd [REDACTED] but there was no answer. I then spoke with the residence at 1150 W. San Ysidro Blvd [REDACTED]

Statement of [REDACTED] (Witnesses):



[REDACTED] told me they were awake because [REDACTED] could not sleep. [REDACTED] said she saw some lights outside so they began looking out the window. They said they saw Officers and could hear them yelling 6-7 times "Drop the gun!" They said they could see approximately five officers at the bottom of the balcony stairs. They said the officers then took cover behind the vehicles parked in the parking lot. The suspect came down the stairs. The officers kept yelling "Drop the gun!" They heard approximately 5-6 gunshots. [REDACTED] said she grabbed her [REDACTED] and covered him up. [REDACTED] said the suspect dropped on the middle of the stairs. [REDACTED] said the suspect never dropped the gun.

After witness checks I continued to help secure the scene. I was relieved at approximately 0645 hours.

Approved by: Sergeant Tivanian #5871

OFFICER INVOLVED INCIDENT CHECKLIST

NAME: Last BISHOP First Dean Middle Ryan

Age [REDACTED] D.O.B. [REDACTED] Height 5-10

Weight 185 Hair Brown Eyes Brown

Police ID# 5937 Badge # 3997

Date of Hire January-2003

Assignment Southern 3rd Watch

Supervisor Lt. SERVIN

Length of Assignment 2 Years

Unit # 726S3 Equipment # 6987

Work Hours 2100-0700 Days Off TWT

Hours of Sleep Prior to Shift 9 to 10 Hours

Right/Left Handed Right

Eye Sight [REDACTED]

Glasses? Yes [REDACTED] No [REDACTED] Contacts? Yes [REDACTED] No [REDACTED]

Glasses or Contacts Worn? Yes [REDACTED] No [REDACTED]

Illnesses [REDACTED]

Medications? Yes [REDACTED] No [REDACTED] Date [REDACTED]

Time [REDACTED] Type/Amount [REDACTED]

Have you consumed alcohol in the past 24 hours? If so

Type None Quantity [REDACTED]

INJURIES/COMMENTS: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Protective Vest

Worn? Yes [REDACTED] No [REDACTED]

Front Panel? Yes [REDACTED] No [REDACTED]

Back Panel? Yes [REDACTED] No [REDACTED]

Primary Weapon

Make Sig Sauer Caliber 9mm

Serial # [REDACTED] Model 229

Department [REDACTED] Personal [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If weapon is an automatic, was it carried with

a round in the chamber?

Primary Weapon Yes [REDACTED] No [REDACTED]

Secondary Weapon Yes [REDACTED] No [REDACTED]

Carbine Yes [REDACTED] No [REDACTED]

Number of rounds carried in magazine or cylinder?

Primary Weapon Not Loaded

Secondary Weapon [REDACTED]

Carbine [REDACTED]

Extra magazines or speed loaders?

Yes ☐ No ☐ Quantity [REDACTED]

Have you altered your

weapon? Yes [REDACTED] No [REDACTED]

[REDACTED]

[REDACTED]

Less than Lethal Force Used? Yes ☐ No ☐

OCN (Pepper Spray) ☐ Baton ☐ ASP ☐

Nunchukas ☐ Taser ☐ Beanbag ☐

Other ☐ [REDACTED]

[REDACTED]

Sergeant Paul D. Conley

Date: 09-28-15

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

OFFICER INTERVIEWED: **Officer Dean BISHOP, ID #5937**
Southern Patrol/3rd Watch
[REDACTED]

INTERVIEW OF OFFICER BISHOP:

Synopsis:

On September 28, 2015, at 0153 hours, I received a telephone call from Lieutenant Paul RORRISON #4305 instructing me to respond to 1170 W. San Ysidro Boulevard regarding an Officer Involved Shooting Investigation. Lieutenant RORRISON stated Southern Patrol Officer's had been involved in a shooting of a male at the apartment complex. The male later died from his injuries after being transported by paramedics. Lieutenant RORRISON directed Homicide Team IV to report to the scene and investigate the shooting incident.

I arrived on scene at approximately 0245 hours and joined other members of Homicide Team IV. Sergeant Chris TIVANIAN #5871 provided a briefing on the incident which began at 0317 hours and concluded at 0339 hours. The decedent was identified as Alberto HERNANDEZ. Sergeant TIVANIAN stated SDPD Communications received a 911 call from a male at 1170 W. San Ysidro Boulevard Apartment [REDACTED] (later determined the male was HERNANDEZ who stated he wanted to shoot someone). Officer's Jeff McCOY #7099, and Kyle RACK #7310 were the first officers to respond along with Officer Matthew HERKELMAN #7292 (Sergeant TIVANIAN did not discuss the shooting incident at this point in the briefing). Sergeant TIVANIAN said after the shooting of HERNANDEZ, Medic #29 responded and performed CPR. HERNANDEZ was transported to Mercy Hospital and Officer HERKELMAN followed the medic vehicle in his police vehicle. HERNANDEZ was pronounced deceased by Doctor Yang at 0207 hours.

Sergeant TIVANIAN identified the officers who fired their weapons at HERNANDEZ as Officer's Jeffrey McCOY, Jonathon WELLS, and Brandon LULL. Sergeant TIVANIAN also identified Acting Sergeant Dean BISHOP as being present during the shooting, but he was unable to fire his weapon due to an equipment failure, (no ammunition in weapon).

After being briefed by Sergeant TIVANIAN, I assigned Homicide Team IV detectives to conduct witness interviews. I also assigned a detective to conduct the crime scene investigation. I next met with Lieutenant RORRISON who coordinated with attorney Charles WALKER from the Police Officer's Association to facilitate having the officer's involved in the shooting return for a walk-through of the shooting scene. All three officers returned to the scene and participated in a voluntary walk-through to show investigators their positions when the shooting occurred. Acting Sergeant BISHOP also participated, even though he did not fire his weapon. All parties involved responded to SDPD Headquarters for a formal interview with Lieutenant RORRISON and myself. Lieutenant RORRISON and I waited until all the officers involved had met with their legal representation and had viewed their BWC video before conducting the interviews.

Lieutenant RORRISON and I interviewed Officer BISHOP in the homicide office with POA Attorney WALKER present. Prior to the interview, Officer BISHOP was allowed to watch his Body Worn Camera (BWC) footage of the incident in its entirety. After viewing the BWC footage, BISHOP agreed to provide a voluntary statement.

At approximately 1020 hours, Lieutenant RORRISON and I began the interview with Officer BISHOP. The interview is documented below in a question and answer and word for word format.

PR: Paul RORRISON, Lieutenant – SDPD Homicide Unit
PC: Paul CONLEY, Sergeant – SDPD Homicide, Team IV.
DB: Officer Dean BISHOP – Southern Division – 3rd Watch
CW: Charles Webb WALKER - POA Attorney

PC: Okay today's date is September 28, 2015. Uh, I'm with Officer Dean BISHOP. I'm Sergeant CONLEY from Homicide Team 4. DEAN is with POA Attorney Charles WALKER and Lieutenant Paul RORRISON from the Homicide Unit is present also. So uh what I'm gonna do is let me go over this data sheet first. It's just standard questions so obviously, your last name is BISHOP right?

DB: Yes.

PC: B-I-S-H-O-P right?

DB: Correct.

PC: Okay, it's Dean?

DB: Yes.

PC: And your middle name?

DB: Ryan, R-Y-A-N.

PC: Okay. And how old are you?

DB: [REDACTED]

PC: What's your birth date?

DB: [REDACTED]

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PC: Okay. And how tall are you?
DB: About 5'10".

PC: Okay. And how much you weigh?
DB: 185.

PC: And brown hair?
DB: Yes.

PC: What color eyes?
DB: Brown.

PC: Okay. And what's your ID?
DB: 5-9-3-7.

PC: And what's your badge there? 3-9-9-7? And when were you hired? Date of hire? Just month and year?
DB: Uh January '03.

PC: Okay. And you're currently at um Southern?
DB: Yes. Patrol.

PC: And you're doing acting sergeant, but who's your supervisor currently Lieutenant wise I guess?
DB: SERVIN.

PC: Okay. And length of assignment? So you've been down, been in patrol...just roughly?
DB: About two years.

PC: Okay. At Southern right?
DB: At Southern.

PC: Okay. But length, okay length of that assignment, okay. That kind of doesn't right, but and what was your unit number tonight?
DB: 726S, 3rd Watch.

PC: Okay. Do you remember your car number per chance?
DB: 6-9-8-7.

PC: Okay, 3rd Watch, 2100 to?
DB: 0700.

PC: 0700. Okay, how many hours...uh, what's your days off? I'm sorry.
DB: Tuesday, Wednesday, Thursday.

PC: And the hours of sleep prior to coming into work?

DB: 0830...I woke up around, I went to sleep around 8:30 and I woke up around 6:10.

PC: Okay, so uh, 8, 9, 10, to...like 9, 10 hours or?

DB: Something like that yeah.

PC: Okay.

DB: I remember my son waking me up at 6:10 cause, I normally don't sleep that long so I was surprised that I'd slept that long.

PC: Are you right or left handed?

DB: Right.

PC: Okay. And you wear glasses or contacts?

DB: [REDACTED]

PC: [REDACTED]

DB: [REDACTED]

PC: [REDACTED]

DB: [REDACTED]

PC: Okay. Do you have any illnesses? Anything like that?

DB: [REDACTED]

PC: How about medications? Do you take any meds? Medications?

DB: [REDACTED]

PC: Okay. Uh, have you consumed any alcoholic beverages in the last 24 hours?

DB: No.

PC: Okay. Okay, this is the weapons stuff right here. So let me go over this. [REDACTED]

DB: [REDACTED]

PC: What is your primary duty weapon? The weapon you had?

DB: The Sig....

PC: What's the make?

DB: Sig-Saur .229.

PC: Okay, Sig?

DB: It's a, yeah.

PC: 229?
DB: 229.

PC: Okay. 9mm?
DB: Yes.

PC: Department or personal?
DB: Department.

PC: [REDACTED]
DB: [REDACTED]

PC: Okay. And weapon? Automatic he carries around. Okay. Primary weapon. [REDACTED]
[REDACTED] Okay, it says number of rounds in the magazine. Well obviously it wasn't loaded. So zero over there. Now on the Sig-Sauer .229, did we try and give you a .229 back or over here? Or didn't we give you something?

DB: (inaudible 4:01).

PC: Yeah.
DB: No, they gave me a .229.

PC: Did it not fit in the holster or?
DB: It didn't fit in the holster because the correct was fatter and it wouldn't lock.

PC: Oh, okay. So you....
DB: So I had to....

PC: you have a other....
DB: I have...

PC: that has a standard grip like a...
DB: I just have the standard. I never changed anything on the gun.

PC: Okay. So ours was fatter or?
DB: This one was fatter. It had like a rubber handle on it.

PC: Okay. Okay. We'll look into that so um, okay. So what I'm gonna do is we're gonna go from beginning to end. When you start lineup, what you do. You present lineup. You do inspection or whatever you do, you tell me and then we'll just walk it all the way. If you go on any calls or you, you know, like missing persons or 415s or what you go up into the incident. That's the best way to handle it so.

DB: Okay.

PC: So you start lineup. You running lineup or?
DB: Yes, I was ran lineup. I was doing, serving up there today.

PC: Okay, so you do lineup? What happens at lineup?

DB: I gave out the, everyone's call sign.

PC: Okay.

DB: Went through all the, uh it was about six of the incident logs.

PC: Okay.

DB: Uh we went around the table.

PC: Okay.

DB: And that was it. It was only fifteen minutes. It was pretty short.

PC: Okay. Any uh inspections. Any uh uniform?

DB: We did. We did, yes, we did do an equipment inspection.

PC: Okay. And what was that?

DB: That was, that was after lineup. So once we broke lineup...

PC: Okay.

DB: um, I did an equipment inspection because all the guys were here.

PC: Okay.

DB: The whole squad was here. So uh, just had the standard sheet of our, you know, stuff.

PC: Okay.

DB: And uh, I think this is our second, maybe third week on 3rd watch. So I told everybody, you know, when we started 3rd watch, we were going to do an equipment inspection just to make sure we had all their stuff. And so tonight we did that, after lineup.

PC: Is that like in the car equipment inspection? Like those or just the personnel thing like taser or, you know?

DB: Just taser. Do you have your whistle? Do you got your gas mask? All that stuff?

PC: Okay so you checked...did you do any weapon inspections on them?

DB: No.

PC: Okay. So just the ta...you know, like I used to do the taser. Make sure it's all...

DB: We didn't do that.

PC: Okay. You didn't do that?

DB: No. We didn't do that. We just made sure they had everything.

PC: Okay. Like riot gear and stuff?

DB: Yeah. The riot gear. The have their uh, they're uh, yeah helmets and...

PC: Yeah, okay.

DB: the shields.

PC: Yeah. That was my next thing to do.

DB: All of that stuff.

PC: Yeah, riot gear. The baton.

DB: Yeah. Their rain gear, stuff like that.

PC: Got you, okay. Perfect.

DB: But there was no like, we didn't check the guns or...

PC: Okay.

DB: nothing like that.

PC: All right so after uh lineup, everybody goes 10-8. Did you go out in the field right away? Or did you, you know, do some paperwork? You know, like sergeant duties? Or what did you do?

DB: Um, I had loaded up prior to lineup so I pretty much just hit the field.

PC: Okay.

DB: I went and uh grabbed a cup of coffee at 7/Eleven at Palm and Hollister.

PC: Okay. And then is there...when you come out of there, calls holding? Or are you listening or what, what's the board like?

DB: There was, there was uh, there was a bunch of calls holding, maybe six or seven calls holding I'm guessing.

PC: Okay.

DB: Um, the thing I was...the call I was worried about was the call that uh Jonathan WELLS was on. It was a missing person involving two people.

PC: Okay. Was it an 'at risk' or, or what was the concern?

DB: It ended up not being 'at risk'. They were mentally handicapped.

PC: Okay.

DB: They said mental capacity maybe fourteen, fifteen year old, something like that?

PC: Okay.

DB: And so uh, when we got there, uh, just went to kind of help him out and uh, the RPs or the what do you call them? It was that group home.

PC: Yeah, okay.

DB: You know, the group home people.

PC: Yeah, okay.

DB: And they kind of felt that the people would come back and maybe feel that we needed to make them 'at risk'.

PC: Okay.

DB: Cause they've run away, or the girl had run away before so.

PC: Okay.

DB: We didn't make it 'at risk'.

PC: Okay.

DB: And uh...

PC: So you went on that call with WELLS right?

DB: With WELLS.

PC: Okay. Okay.

DB: Um, right about that time, right when I cleared, uh Jeff's call, Jeff got into a call uh, I think it was a Narcotics call. When he got there, the guy took off on him.

PC: Um huh.

DB: And it sounded like there was a short foot pursuit and then uh, I believe Jeff said he wasn't gonna pursue him and so right about that time, I initially sent the dispatcher and said, 'Send that to me'.

PC: Okay.

DB: I'm talking about Jeff's call.

PC: Sure.

DB: Uh and then right after, like right, as soon as I sent that, she said or he, Jeff, put out that he wasn't gonna chase him.

PC: Okay.

DB: And then an 11-83 came out where a person hit, or a female hit a wall and so I was passing the sub about that time and so uh, I had her send me to that call.

PC: Okay.

DB: And then I went there with Oscar and his trainee. They got up there just prior to me getting there. And then do the 11-83 call. And uh, cleared that call. And uh or Jeff put himself out on a Siempre Viva Road. He was gonna monitor the racers.

PC: Um huh. Yeah.

DB: Racing up and down. So I'm over there. Met him and I think uh Brandon LOWELL was there. Jeff was there. And there was somebody else there. I think it might have been uh, I'm not positive.

PC: Okay. So they were monitoring the racers on Semper Viva uh...
DB: So there was, there was four units there total.

PC: Okay.
DB: The four of us were there.

PC: Okay.
DB: We monitored for them maybe thirty minutes and they, nobody ever showed up.

PC: Okay.
DB: Uh, I told Jeff. I sent him a message saying, 'Hey I'm going to go to Southwestern College.' We'd planned on eating, uh Code 7, around two o'clock. We were going to go to Denny's.

PC: Um huh.
DB: And so he said he wanted to do something. I forget what it was. And I said, 'Okay, we'll just...I'll meet you at two'. I told him, 'I'm going to Southwest College to try to get some, try to get some of my schoolwork done.'

PC: Okay.
DB: Uh, prior to getting on shift, I had signed up for my next class cause I'm taking these online classes.

PC: Right
DB: So over at Southwestern College they have Wi-Fi there.

PC: Right.
DB: Uh, I ordered my books for the class and uh just prior to getting there, I think Jeff had gone on a call so I was kind of listening out that he went to that call.

PC: Okay. So that call had gone out or...?
DB: The call had gone almost when I was driving by.

PC: Okay.
DB: Uh, almost to Southwest College, that call came out.

PC: Now what was the call specifically? Do you remember what it's formatted at, or what it came out on the air?
DB: It was a 911 call.

PC: Okay. Any other particulars of the 911? Or do you remember that?
DB: I remember them saying like a 911 call. I don't know if she erred. I looked at the call afterwards but uh, I don't remember if she erred or not that, you know, the guy, a gun being mentioned. Uh, but when Jeff got there, it was shortly after. I remember him saying

'he does have a gun'. That's when I said, you know, I acknowledged it. Started heading that way.

PC: Okay. When you acknowledged it, did they ask you if there was a sergeant 10-4 or did you just automatically say get on and say, 'Hey, I'm going that way?'

DB: I think I said I'm 10-4. Show me en route.'

PC: Okay.

DB: I believe I said...I don't think she asked. I just did it.

PC: So when you heard Jeff put out, what do you specifically remember Jeff putting out, or do you remember what he said? He obviously said gun, but....

DB: I think he said he had a gun. He saw that the male had a gun and then he shut the door on them.

PC: Okay. Okay. Okay so as you're going there, obviously you're going en route to the call, are you getting other updates or what's the next thing before you go 10-97?

DB: It was a short distance.

PC: Okay.

DB: Just from 400, from 400 to 1100. It's, it's, it's really short distance.

PC: Yeah, okay.

DB: It only took me a couple of minutes to get there.

PC: Okay.

DB: Uh and I could see their lights you know, as soon as I drove down the street. I could see the lights so I knew right where they at. Uh, and uh I got there and I parked right where I showed you. Right there.

PC: Yeah, and let me back you up on that. So, when you go 10-97 and you park, uh, and I can't remember specifically, uh, did you park in the line of cars that were on the red curb or on the other side?

DB: On the left.

PC: Okay, on the left so.

DB: By the Red Curb.

PC: The SUV was McCOY's? The first? Do you remember which car, were you like the second or third?

DB: I was probably third.

PC: Okay.

DB: I was closest to the road.

- PC: Okay. Now when you, when you got there and you parked uh, who's already there? Or do you remember? Who was there and where were they at?
- DB: I remember Jeff being there. Uh, I believe HERKELMAN was there. I don't know if Jonathan WELLS was there. I know there was three officers there.
- PC: Okay. Okay, three officers. Okay and where are they specifically? When you park and you get out of your car, where's the first place that you go? Do you make contact with someone to find out what what's going on? Or what, what did you do when you first arrived?
- DB: I don't exactly recall. I know there was somebody that came up and I said, I think it might have been Jeff and he said, 'Yeah, he had a gun and then shut the door on me', or something like that. He shut the door.
- PC: Okay.
- DB: Something like that. It was real brief. Um, I wanted to get a better vantage point, along the side behind that truck.
- PC: Um huh.
- DB: Just so I wasn't blocked by the tree and I could get, you know, a good view of the house.
- PC: Yeah. Let me back you up on that so, so I can describe on, on where it's at. So when you say you went over to get a better vantage point, so that would be as you're looking at the building right here over towards the north where the cars and like the red car and the white car, the truck was?
- DB: Um.
- PC: Okay, so and who, is anybody over there with you? Or are you by yourself? So now you're looking straight this way towards the south right?
- DB: I was looking, yeah, I was looking up towards the house more. Yeah, towards the south. Um, I know that Jeff and there was at least one other. Jeff was sort of by the tree.
- PC: Okay.
- DB: Um, in the parking lot and I was kind of focused on Jeff because he was, kind, when the guy started popping his out the door.
- PC: Okay.
- DB: And I could see that he had a gun...
- PC: Okay.
- DB: I was getting a little bit stressed because Jeff was not behind cover. And so I was telling him to get behind cover.
- PC: Okay. So let's back up on that. So once you're in position, you notice that Jeff is by the tree which is near the stairwell. The suspect you had not seen to that point. He wasn't, he had not come out yet right? When you get 10-97?
- DB: Well the first time I saw him come out, I believe I was behind the truck.

PC: You were in your position already?

DB: Yes.

PC: Okay, okay. So you're in your position and Jeff's by the tree. Do you know where anybody else is at or did you pay attention?

DB: Uh, I, I saw...well I knew Jeff was right there. I knew there was other officers back past Jeff.

PC: Okay. Near, near where the cars are parked? Or over on that side?

DB: More towards where the, where Jeff's car was.

PC: Okay.

DB: Behind the, by the SUV, I couldn't tell. I couldn't see who it was.

PC: Okay.

DB: Cause I was trying to focus on the car, on the door.

PC: Okay.

DB: And I wasn't positive, but I thought somebody went around the back side to see if, you know, to guard that back side. And I didn't realize it until after I watched the video, but there was an officer in the front. On the front corner, which I wasn't even paying attention if he was even there.

PC: Okay. So what you're looking at is you know specifically Jeff is near the stairwell up there. You have your position over to the north of him. There's a couple of officers that are near the SUV. You're not really sure who those were. And maybe one around to the back. So as you're in those positions or whoever's in there, are you guys communicating? Or what's, what's everybody....what happens next? Just?

DB: Uh, somebody, one of the officers had taken it upon himself to try to evacuate the bottom left hand side.

PC: Okay.

DB: And um, I remember saying, 'That's fine. Get that out. We'll be able to get this bottom one out, the one on the right'. I said, 'But don't go up to number [REDACTED] which was the top left. Because I didn't want anybody to go up the stairs.

PC: Okay. And at that point just based on what you know and coming in, I mean what do you think, what do you think that you guys have at that point right there? They're starting to evacuate people or I mean what?

DB: I thought, you know, we're possibly going down on a barricaded suspect, maybe with a hostage. Um...

PC: Based on?

DB: Based on what Jeff had said, that he'd seen a gun. And then the first, I believe it was the first time the guy opened the door, I could clearly see that he had the gun.

PC: Okay.

DB: And uh...

PC: So when you're in your position and they're setting up and there's an officer that's evacuating everything else, uh what happens. When do you, when you...do you see the suspect come out a second time? Or what's?

DB: I don't remember exactly how many times he came out. I would say he came out at least three times. And he kept opening the door and peek out, you know. A couple of times he kind of opened it a little bit. It seemed like he opened wider. A couple of times he cracked it and like looked. And then he'd close it. And to me it seemed like every time he opened the door, he would open it wider and wider. Until finally, that's when he opened it. And he came all the out.

PC: Okay. Did you see when he's doing this little peeking out and everything? Did you see him place the gun outside, or did you see any of that or he's just opening the door and looking or?

DB: It seemed like he was opening it, but he would use like his left hand to open it.

PC: Um huh.

DB: Cause I could see that he had the gun. It looked like on the right hand cause I kept seeing the gun the whole time.

PC: Okay, before he comes out? The full door. So when he's doing this peek-a-boo type thing, you can see the, with the back light that he has, something in his hand?

DB: It was clearly. No, it was, I could clearly see it was a gun.

PC: Okay. And is that made to everybody that's in the group, or is it on the radio communication? Or verbally or do you remember?

DB: Uh, it was put out over the air. She asked what kind of gun it was. Uh, I said it was like a semiautomatic gun.

PC: Okay. So as he's doing this and everybody is in their position pretty much, where we described them. What happens when he full on opens the door and comes out? What, what's the next thing?

DB: I was on the air maybe putting something out. Cause I was asking if the lieutenant knew and then ABLE was overhead. He kept, he kept popping out and ABLE was saying, 'Which door it is?' And I'm telling, I'm thinking, hey, it's the one with the door. The guy, you know. At that point I wanted to make sure that ABLE was able to see that guy. And then he just kept coming. He kept coming all the way out. And he started coming down the stairs. So I'm shouting at him, you know, 'Drop the gun' cause I can see that he has a gun in his hand.

PC: How many times did you think you did, 'Drop gun' or did you say you remember?

DB: At least, at least two or three times. I shouted, 'San Diego Police! Drop the gun!' Shouting like 'Hey!' you know. Just yelling at him.

PC: And you had your weapon drawn trained towards him, as, as, he's coming down or is...?

DB: Yeah. I don't think I had my gun out until he started coming down the stairs. And once he came down the stairs then, you know. Cause I kept thinking okay, he's just going to be peeking out. And uh, once he started coming down the stairs, that's when I drew my gun.

PC: Okay.

DB: And I'm realizing in my mind, like the landing was my line in the sand.

PC: Okay. So as he's coming down the steps, how is the gun positioned in his hands? Did you...is he doing this (motioning waiving the gun in the air) is he on the floor? Is he pointing it or?

DB: I believe he just had it out like this. I don't think he every pointed it. I don't know if he pointed it. I know he had it in his hand like this. It was obvious. It wasn't down at his side. I believe it was our here (referring to the weapon being out in front of him).

PC: Okay, so you're indicating that just like he has an angle type, almost...?

DB: It was straight, pointing out. It looked like two knees pointing up. It happened fast and I was also kind of bending down on the hood, you know, to conceal behind the truck.

PC: Okay.

DB: A little bit. So I was kind of popping it up doing this kind of thing.

PC: And so he starts coming down the steps and then obviously you talked about the landing and if he gets to here. So describe what happened next?

DB: He got to the landing. Uh, he had the gun out. I'm seeing Jeff off to the side. I don't know exactly. I didn't think he was behind cover and...the guy was right, I mean right there. And uh, at that point I decided that's it. I didn't want him to come down the stairs any further and I wasn't going to let him go back up into the house.

PC: Okay, now is he, again, once he gets towards the landing or whatever, do you see him either turning on anybody like Jeff or uh, the other officers that are at the side? Or straight to you or any of that? Or what's his movements like? Or do you remember?

DB: He, he was just standing there and he was facing out, facing towards the parking lot. And he had, he had the gun out like this.

PC: Okay. And you said like this. So that's...you're not indicating that he was pointing it at anybody. It's just kind of like uh, .45 degree?

DB: To my knowledge, to my knowledge, yeah, it would a .45 degree angle.

PC: Okay.

DB: Kind of like that.

PC: Okay.

DB: Like I said I was kind of popping down in uh, behind the truck.

- PC: Okay. And then, and you kind of mention when you get to the landing, you, did you, and he had a firearm and you....did you know that there was another person that...was, was the radio call of a person that was also in the house or I kind of missed that?
- DB: I initially...just based on what, we knew that the call that there was a female on the, in the, in the house. Um, but I didn't see a female. I didn't see cause I never made it up that far.
- PC: Okay.
- DB: I didn't see Wade and I think I aired that I didn't see anybody. But then Jeff clarified after me and said, 'Yes', that he did see her when he initially went up to the house.
- PC: Okay. So is it at that point and you had, you had mentioned something like a line in the sand. So you didn't want him to go back up into the thing with, with the firearm or?
- DB: Correct.
- PC: Okay. And what, what happens next as far as him coming down and to the landing?
- DB: So he got all the way to the landing. He's standing, he's standing there. Uh, the way he had the gun out. Um, he wasn't following any of our commands. I made the decision I was gonna fire.
- PC: Okay. Based on, now you say you fire and stuff. I mean and I understand you talking about him not letting him get back up into the apartment because of a possible uh, uh, female that was up there or what have you. So, but what's he doing with firearm at that point? Or can you see? Or are you behind the car or what?
- DB: I can see him. He has it out. I don't know exactly if he came across that he has it out. In my...like I said at the time I just, you know, the decision had been made, you know. That based on what he was doing, I felt this is, you know, needs to end right here.
- PC: And now, you're pointing your weapon at him and you said you'd made a decision they were going to fire. What happens next?
- DB: Uh, I fired. I think I fired two or three times. The gun went 'click, click, click'. I wasn't sure if I had a malfunction. I taped and racked. Uh, the slide stayed back and I kind of looked at it like what's going on here? Tapping it fast. I went to reload. I grabbed a second magazine and I went to put it in, and saw that there was no ammunition.
- PC: Okay.
- DB: Yeah. And then I realized at that point what happened.
- PC: Okay. Did you give any commands to any other people, or, uh, and what's...as you're doing this, are you, are you looking at what the suspects doing at that time or?
- DB: So I'm thinking at that point um, it didn't, once I looked back up, it did look like he had come across with the gun and was pointing it more down. And I believe I shouted out, 'Shoot him!'

PC: Okay. And that's based on your reassessment or assessment that he is?
DB: A reassessment because when I came...the first time when I came back, I came back down to reload once it clicked.

PC: Um huh.
DB: I got back down behind, you know, behind the truck and uh, I pop back up and at that point it looked like he had come back across. And that's when I said, 'Shoot him!'

PC: Come back across to you?
DB: With the, with the gun toward it out, out more.

PC: And, and towards either you and/or your other officers that were on scene or?
DB: Yeah. See he's facing the whole, he's facing...I'm, so if I'm him kneeling over the, the balcony I'm this way and all the other officers are off this way.

PC: Okay. And then obviously your weapon doesn't fire and then you, you, you're giving commands or you think you're in danger and/or your other officers and you, and you say, 'Shoot him!' Um, what happens next? I mean who fires or did you see?
DB: They fired. I, I could hear several officers firing.

PC: Okay. Do you know who shot first or could you even tell?
DB: I couldn't even tell.

PC: Okay.
DB: I'm thinking at that point, I had gotten back behind the truck again.

PC: Okay. Okay. So after that's all said and done, and does the guy go down or what happens?
DB: So I came back out. I waited a second and then when I finally did come, when I came back out, then I could see that he was down.

PC: Okay.
DB: Uh, I could see that there was a gun next to his hand.

PC: Okay. And did you guys approach? Or what was the next step? I mean did you give commands for the officers to?
DB: We slowly approached and then I believe Jeff said, 'We've got to secure him' or something to that effect. There was other people...the lady, the female that was in the apartment came out at that point. I was shouting back at her. I think I was still at the corner at that point when she came out. And I was shouting back at her to get back in the house.

PC: Okay.
DB: And then some other people started coming out of their apartment and I remember there was a [REDACTED] in a red shirt. He came out and he wasn't listening to what I was saying. I was like, 'Get back in your house! Get back on your front yard! Get back inside!' He wasn't

listening so I kind of went more towards him and said he, you know, cause he kept saying, 'I know this guy' or something like that or...

PC: Yeah, okay.

DB: I don't know what he was doing.

PC: Okay.

DB: But then I kind of redirected back to what was going on.

PC: And did medics come? Or did you guys....did you go and clear the house or what was the?

DB: I didn't clear the house. Um, I stayed at the bottom. Uh, when I was standing there, I said, 'Clear medics' and get medic rolling.

PC: Okay.

DB: Um, and somebody, I don't know if was Jeff. I think Jeff went and handcuffed him.

PC: Okay.

DB: And then they moved the gun uh down on the dirt.

PC: Okay. And just, let me, let me just go back to where he initially comes out and starts coming down the steps. Just so I can clarify. So uh, he's coming down the steps and as you described. Uh, he's not coming down the steps from what you're saying, like doing this. It was more like he's got the gun at like a low ready, .45 degree angle as he's coming down the steps, right?

DB: Yes.

PC: To the landing. Okay. And then once he gets to the landing, uh, when he gets to the landing, everybody's giving commands, including yourself. And then before you decide that you wanted to, um, that you're gonna not let him get back in the house, uh, is it, is that when he's pointing or, or?

DB: He didn't make any attempt to go back up to the house.

PC: Uh huh.

DB: It's just in my mind I'm like I'm not gonna...if he hits that landing.

PC: Right.

DB: I'm not gonna let him get back up, back into the house.

PC: Okay. And that was based on the call or the woman in the house or?

DB: Well Jeff said he saw the woman in the house.

PC: Okay.

DB: I didn't want to create...once he's house, I wasn't going to allow him to go back in the house and create a hostage situation or shoot her or anything else.

PC: Okay.
DB: Cause in my mind he had a gun you know. He had a gun.

PC: Right, but you saw him have the gun?
DB: He had the gun.

PC: Okay. Did he say anything? Any?
DB: He never said anything.

PC: Okay. Never? No commands or anything like that?
DB: He never...

PC: He didn't yell, scream?
DB: Uh, he never said anything. He just was not following anything we were saying.

PC: Okay. Lieutenant?
PR: Yeah. Why did you order the woman back into the house if you were concerned about a hostage situation and he's down out there? Why are you ordering her back in there?
DB: Because I didn't want her...I didn't know what she was going to do. If she, how she was going to react. If she was gonna, you know, come down and jump on him and freak out. I don't know who she is. I'd never even met her before. And like I said, we hadn't gotten to that point. I was still back by the truck. And we hadn't secured the, the gun from him. Taken the gun from him. He wasn't handcuffed. I just wanted her to be secure and I didn't want to have to deal with her, not knowing who she was and what she was gonna do and how she was gonna react to the situation. I just wanted to focus on him. Get him secure and then go back and deal with her.

PR: Okay.
PC: Okay. Okay. All right. I'm gonna conclude this interview at uh 1020 hours.

Total disc time 30:24

Lieutenant RORRISON and I concluded out interview with Officer BISHOP. The above conversation was recorded on my digital recorder and downloaded onto a compact disk. The disk was impounded at Headquarters under barcode #10538852.

After the interview, Officer BISHOP was taken to the crime scene processing room where photographs were taken of his uniform and equipment.

Reporting Detective Sergeant P.D. Conley I.D. 4673 Homicide Team: IV
Approved by: Lieutenant Paul Rorrison Date of this report: 10-01-15 Time: 1600 Hrs.

CITY OF SAN DIEGO POLICE DEPARTMENT

PROPERTY RELEASE

- WITH VALID PICTURE IDENTIFICATION, PRESENT THIS RELEASE AT THE POLICE PROPERTY ROOM, 1401 BROADWAY, SAN DIEGO, CA 92101 (ENTRANCE AT 15TH AND "E" ST.), **BETWEEN THE HOURS OF 11:00 A.M. AND 4:00 P.M., MONDAY THROUGH FRIDAY** TO RECOVER THE LISTED PROPERTY. FOR INQUIRIES CALL (619) 531-2866.
- THE POLICE PROPERTY ROOM IS CLOSED ON SATURDAYS, SUNDAYS AND HOLIDAYS.
- **FAILURE TO CLAIM THIS PROPERTY WITHIN 30 DAYS WILL RESULT IN ITS BEING DISPOSED OF ACCORDING TO LAW.**
- IF YOU WISH TO SEND SOMEONE ELSE TO PICK UP YOUR PROPERTY YOU MUST PROVIDE THEM WITH WRITTEN NOTARIZED AUTHORIZATION.

PERSON AUTHORIZING RELEASE MUST FILL IN ALL INFORMATION BELOW

DATE OF CASE 09/28/15	CASE NO. OR BKG. NO. 15-042003	OTHER REFERENCE 15-042007	PROPERTY TAG NUMBER 11537273
AUTHORIZED BY: J. C. WEAVER	ID # 5811	DIVISION HOMICIDE	TODAY'S DATE 10/1/15

RELEASE TO:

NAME:

ADDRESS:

THIS SECTION TO BE COMPLETED AT TIME OF RELEASE

I CERTIFY, UNDER PENALTY OF PERJURY, THAT I AM THE LAWFUL OWNER/GUARDIAN OF THE PROPERTY LISTED BELOW, AND THAT I HAVE TAKEN POSSESSION OF THE DESCRIBED PROPERTY FROM THE SAN DIEGO POLICE DEPT.

PROPERTY RECEIVED BY:

DATE: **10-1-15**

CITY OF SAN DIEGO POLICE DEPARTMENT

PROPERTY RELEASE

- WITH VALID PICTURE IDENTIFICATION, PRESENT THIS RELEASE AT THE POLICE PROPERTY ROOM, 1401 BROADWAY, SAN DIEGO, CA 92101 (ENTRANCE AT 15TH AND "E" ST.), **BETWEEN THE HOURS OF 11:00 A.M. AND 4:00 P.M., MONDAY THROUGH FRIDAY** TO RECOVER THE LISTED PROPERTY. FOR INQUIRIES CALL (619) 531-2866.
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NAME:

ADDRESS:

CITY/STATE:
& ZIP CODE**THIS SECTION TO BE COMPLETED AT TIME OF RELEASE**

I CERTIFY, UNDER PENALTY OF PERJURY, THAT I AM THE LAWFUL OWNER/GUARDIAN OF THE PROPERTY LISTED BELOW, AND THAT I HAVE TAKEN POSSESSION OF THE DESCRIBED PROPERTY FROM THE SAN DIEGO POLICE DEPT.

PROPERTY RECEIVED BY:

DATE: **10-1-15**

RECIPIENT IDENTIFICATION / INFORMATION

Sgt. Conley **44673**
WITNESS TO RELEASE INITIALS AND I.D. #

ITEMS TO BE RELEASED:

1 MEDICATION BOTTLE**YOU MUST PROVIDE VALID PICTURE IDENTIFICATION TO RECEIVE PROPERTY**

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

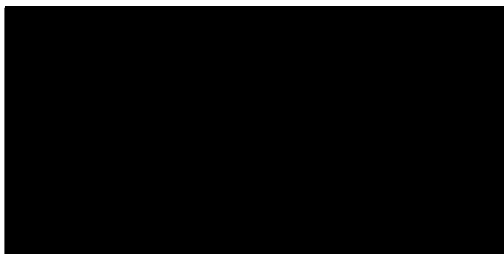
DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On September 28, 2015, at 0200 hours, I was off-duty when Sergeant Conley #4673 notified me of a callout. Sergeant Conley directed me to respond to 1170 W. San Ysidro Boulevard to assist with the investigation of an officer involved shooting.

I arrived at the location at approximately 0259 hours and met with Lieutenant Rorrison #4305, and the other members of Homicide Team IV. The Homicide Team consisted of Sergeant Conley, Detectives Cisneros #5811, Lozano #4819, Collier #5537, and myself. Sergeant C. Tivanian #5871 conducted the briefing at 0317 hours. Sergeant Tivanian informed us the suspect, identified as Alberto Hernandez, was shot after he pointed a gun (later determined to be a replica firearm) at several officers. The three officers who fired their weapons were Officer B. Lull #7300, Officer J. McCoy #7099, and Officer J. Wells #7319. Alberto Hernandez was transported to Mercy Hospital, but was pronounced deceased at 0207 hours. The briefing ended at 0339 hours, and Homicide Team IV took over the investigation.

After the briefing, Sergeant Conley directed me to contact several witnesses including [REDACTED] and reported to patrol officers he had witnessed a portion of the incident.

I knocked on the front door several times, but there was no answer. Prior to leaving the scene, I knocked on the door several additional times, but again there was no answer.

On September 29, 2015, I went back to the location and attempted to make contact with [REDACTED] As I knocked on the front door a male, identified as [REDACTED] yelled out from the porch of an adjacent apartment and said, "I'll be right there."

Investigator's Report

Witness: [REDACTED]

Case #15-042053

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[REDACTED] walked up to me and I asked him if he was [REDACTED] told me [REDACTED] was his brother, and that [REDACTED] was not home. I asked [REDACTED] if he was home with [REDACTED] when the shooting happened. [REDACTED] told me he was home and he was the one who woke [REDACTED] up to tell him what was going on. [REDACTED] told me he'd witnessed more of the incident then [REDACTED]

I recorded my conversation with [REDACTED] on a digital recorder. The below written statement is a synopsis only, and it is not meant to be a word for word account of my conversation with him. Please refer to the recording which I impounded on barcode #10537043 for additional information. [REDACTED] essentially told me the following:

I heard what I initially thought was arguing, but when I looked outside I saw the two cop cars parked there (pointing towards the parking lot in front of his apartment). I then saw the officers evacuating the people from the downstairs apartment. After that was when I saw the guy. I was looking out of my bedroom window when I saw the guy walking down the stairs holding a gun. He was walking really slow and he was holding the gun out in front of him [REDACTED] used his right arm to point forward as if he was aiming a gun). The officers were right there in the area where he was pointing the gun.

I could see one of the officers that was downstairs (pointing to the area where Officer McCoy had been) and I could hear him yelling, "Drop the gun, drop the gun!" I heard another officer yell, "Just shoot him," but I don't know which officer said that. At one point, I heard one of the officers telling the other officers that the guy had a 9mm Beretta. The first guy (possibly Officer McCoy) was calm and he was just telling the guy to put the gun down, but once the guy started coming down the stairs the other officer (possibly Acting Sergeant Bishop) didn't seem as calm and he started yelling to shoot him.

When I saw the guy walking down the stairs, I knew something wasn't right with him, because he was screaming or saying anything. He just looked very serious and out of it. I think I've seen the guy once before, but I don't know him. It looked like he probably wanted to get killed; like suicide by cop. If he didn't want to get shot he probably would have just stayed in his [REDACTED] and something else would have eventually happened.

I heard one shot and then approximately two seconds later I heard a bunch more shots. It's sad what happened; I've never had to witness someone die before. I actually took a cell phone video of it, but my [REDACTED] told me it was a bad idea to have it. I deleted it, and it can't be recovered.

Haro did not have any additional information. I provided him with my name and phone number, and asked him to have [REDACTED] call me. I concluded my interview with [REDACTED]

Reporting Detective J. Dungan

I.D. 6137

Homicide Team: IV

Approved by: Sergeant P.D. Conley #4673

Date of this report: 10/06/15

Time: 1100

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On 09/28/2015, at approximately 0200 hours, I received a telephone call from Detective Sergeant Paul CONLEY from Homicide Team IV. Sergeant CONLEY informed me there had been an Officer Involved Shooting at 1170 W. San Ysidro Boulevard. I was instructed to meet with other investigators at the location.

At approximately 0300 hours, I arrived on scene and met with other members of Homicide Team IV. At approximately 0317 hours, we were briefed of the incident by Sergeant TIVANIAN #5871. During the briefing, we learned a male at 1170 W. San Ysidro Boulevard [REDACTED] called into police dispatch at approximately 0104 hours requesting police assistance. It was later learned at the conclusion of the briefing that the male was Alberto HERNANDEZ and he had actually told the dispatcher he had a gun and stated he was going to "Shoot her."

Southern Division Officers responded to the listed address and attempted to make contact at the front door of the apartment. Alberto answered the front door with a gun in his hand and then closed the door on the officers.

Officers tactically took positions of cover in the complex parking lot and attempted to call Alberto out of the apartment. Alberto eventually exited the apartment and began pointing the gun at officers. Numerous commands to drop the weapon were made towards Alberto; however he continued pointing the gun towards the officers. Three officers fired at HERNANDEZ striking him several times. HERNANDEZ was transported to Mercy Hospital where he later succumbed to his injuries at 0207 hours.

One of the witnesses identified during the briefing was Alberto's [REDACTED]
[REDACTED] was inside of the apartment during the incident. It was learned that [REDACTED]
[REDACTED]

Investigator's Report

Witness: [REDACTED]

Case #15-020915; #15-020916

Page 2

The briefing concluded at approximately 0339 hours. At the conclusion of the briefing, I was assigned to contact and interview [REDACTED] is primarily a Spanish speaker. I met with [REDACTED] inside her apartment and she invited me inside. Officer Oscar Torres #6618 was present during my entire interview with [REDACTED]

My interview with [REDACTED] was audio recorded. Please refer to the audio CD of this interview for exact wording and details. My interview with [REDACTED] was in Spanish, I will translate it to English for the remainder of this report.

Statement of [REDACTED]

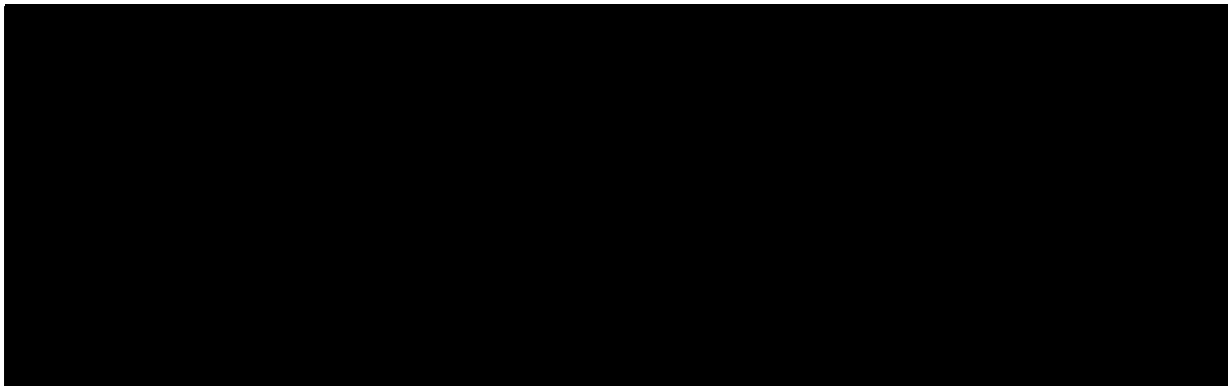
[REDACTED] My family and I had gone on vacation to Mexico City and met with his family. I didn't see him again after that until I was about [REDACTED] years old at a birthday party in Mexico. We didn't talk or anything, but I do remember seeing him there. Alberto was living in [REDACTED] and I was living in [REDACTED] at the time so we did not see each other that often.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Around this time, Alberto had an operation; I think to repair his appendix. In March of this year I had Alberto move in with me here so that I could take care of him and watch after him.

Alberto would often tell me he was depressed because he was an alcoholic and did not want to live like this. Alberto was a very active person when he was younger and would exercise and lift weights, but alcohol was keeping him from having a normal life. Alberto would sometimes have his good days where he was not depressed but often the depression would come on without warning; mostly once he started drinking.

I got home yesterday (09/27/2015) from [REDACTED] at about 2:00PM and Alberto was still asleep. Alberto woke up at about 4:30PM or 5:00PM. I made Alberto dinner and gave him his high blood pressure and stomach medicine. Alberto watched the football game on TV for a while. Alberto then began feeling depressed again so I did what I usually do and began talking to him about the lord and reading scriptures from the bible. Alberto even told me he was planning on going to a detox facility in [REDACTED] and a M.A.D.D program. We agreed that he would call the program in the morning and he went for a walk around the neighborhood. He was only gone for about 30 minutes, but when he returned he was depressed again.

I again tried to talk to him about god and make him feel better about himself and his life. Alberto continued crying and telling me that he did not want to live like this anymore. Alberto did drink last night; he might have had a Coors light with his dinner and maybe drank two more Coors lights while watching the game. He primarily just drinks beer now. When Alberto first moved in with me he was heavily drinking red wine and that would make him extremely depressed.

I talked to him about his drinking and was recently able to convince him to stop drinking wine and primarily drink beer, but he would often complain that it was hard for him and that his entire body would hurt. Alberto was not just depressed about his alcoholism he was also depressed about the death of his mother and father and he had recently heard that one of his brothers in Mexico may have died of cancer.

I didn't notice anything unusual or different in Alberto's depressive behavior last night. It seemed pretty typically of what he would usually go through. Alberto could not wait until the morning to get help; he wanted the police to come to the house and arrest him so that they could then take him to a rehabilitation center. Alberto at first told me to call the police for him.

I told Alberto that he should call and explain to the police that he did not feel good and that he wanted them (police) to take him to a rehabilitation center. Albert has never been suicidal since he has lived with me. All Alberto would tell me is that he did not want to live a life of alcohol dependency. At one point I even told Alberto I would order a taxi and have the taxi drive him to the police station on Coronado Avenue so that he could get some help.

I explained to [REDACTED] that the police just do not arrest people because they ask to get arrested. I asked [REDACTED] how Alberto was going to get arrested if he had not committed a crime.

I think that is how Alberto got the idea of bringing out the plastic gun. I tried to tell him not to do anything dumb and to just tell the police that he needed help. Alberto even told me to call the police and make up a story that he had beat me and that he was going to kill me just so that he could get arrested.

I told Alberto I was not going to lie to the police and say those things because they were not true. I then urged Alberto to call the police himself. Alberto finally called the police; He spoke to the dispatcher in English so I could not understand everything he was saying. I did understand him tell the dispatcher that he had a gun and I think he also told the dispatcher he was going to hurt me. I was standing right there next to him while he was on the phone with the dispatcher, never did he assault me or threaten me in any way.

This was his way of making sure the police were going to respond to the house, arrest him and take him to a rehabilitation center. Alberto also couldn't get help by himself, there were several times where Alberto tried to get help, but would back out at the last minute.

The police took a long time to arrive at the house and I think that made Alberto even more impatient. When the police finally arrived, one of them saw me through the window and watched me walk to the front door. I opened the front door and that is when Alberto showed them the gun.

During my conversation with [REDACTED] she would not admit to me that Alberto actually pointed the muzzle of the gun at the officers and only stated Albert showed the gun to the officers.

Obviously Albert knew there was the possibility that the officers might shoot at him if he points a gun at them, but I don't believe that was his intention. Alberto just wanted to get arrested and taken to a rehabilitation facility

Investigator's Report

Witness: [REDACTED]

Case #15-020915; #15-020916

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When the officers saw the gun they ran away and they didn't give me the opportunity to tell them the gun was plastic. The gun does not belong to me, I don't know if Alberto brought it with him when he moved in or if it belongs to his young [REDACTED] I had previously seen the gun here in the house and I placed it in a bag and put it in the closet.

Before Alberto walked out of the house he urged me several times to lie on the ground because he did not want me to get hurt. Alberto knew if he pointed the gun at the officers there was a high possibility the officers would fire their weapons at him. Alberto just did not want me to get hurt.

During my conversation with [REDACTED] she stated there were no other weapons or replica weapons in the house. I asked [REDACTED] if she would allow us to search her residence for any weapons, medications belonging to Alberto or items that may help the police understand why he did this. [REDACTED] voluntarily signed the consent to search residence form (See Detective DUNGAN's Investigative follow-up report for items recovered for complete details).

During my conversation with [REDACTED] Detective Sergeant CONLEY and Homicide Lieutenant RORRISON # 4305 arrived to notify [REDACTED] that Albert had succumbed to his injuries and was deceased. I assisted in Spanish translation during the death notification. I stopped the audio recording during this time and turned it back on when I resumed the interview.

I was lying on the ground when Alberto walked outside. Soon after that is when I heard the gunshots. I can't tell you how many gunshots I heard, but they were numerous consecutive gunshots. I then stood up and opened the front door to see what had happened, but the officers told me to close the door so I did not see what happened after that.

Alberto does not have any family that we know of in the United States. He has [REDACTED] that we believed still live in [REDACTED] and another [REDACTED] who recently passed away. Alberto has an [REDACTED] but I don't the [REDACTED] or how to get a hold of her. I was Alberto's only family.

I concluded my interview with [REDACTED] at approximately 0650 hours. The original CD containing this interview was impounded at the SDPD Property Room on Barcode #10537307

Reporting Detective JUAN CISNEROS

I.D. 5811

Homicide Team: IV

Approved by: Sergeant P.D. Conley #4673

Date of this report: 10/01/2015

Time: 0900

SAN DIEGO POLICE DEPARTMENT IT
HOMICIDE SCENE ROSTER/SUMMARY REPORT

Location: 1170 W SAN YSIDRO [REDACTED] Date: 9-28-15 Time: 0127 Beat: 712 APPROX.

INCIDENT NUMBER: _____

Suspect(s): _____ Victim(s): _____

Sgt./Lt.: SHARKEY ID 5986 Scribe: RACK ID#: 7310

SERGEANT'S CHECK LIST

1. _____ SCENE CONTAINMENT, PROTECT EVIDENCE. TIME PERIMETER ESTABLISHED _____ HRS.
2. _____ INSURE SCENE IS LARGE ENOUGH (CONSIDER ESCAPE ROUTE OF SUSPECT).
3. _____ NEIGHBORHOOD CHECK.
4. _____ IDENTIFY, ISOLATE AND INTERVIEW ALL WITNESSES.
5. _____ DOCUMENT WITNESS SEARCH.
6. _____ ATTEMPT TO IDENTIFY THE SUSPECT.
7. _____ BROADCAST ALL UNITS IF NECESSARY.
8. _____ CONDUCT A FOLLOW UP INVESTIGATION WHENEVER POSSIBLE.
9. _____ RECORD ALL LICENSE PLATES IN SCENE AREA.
10. _____ PREPARE A LIST OF KEY WITNESSES TO DISCUSS DURING HOMICIDE BRIEFING.
11. _____ REVIEW AND APPROVE ALL REPORTS FROM PATROL OFFICERS AT SCENE (HEADING ON REPORTS).
12. _____ COMPLETE THE HOMICIDE ROSTER REPORT FORM.

UNIT RESPONSE AND ASSIGNMENT

1ST OFFICER/UNITS ON SCENE:

1. _____	ID# _____	2. _____	ID# _____
3. _____	ID# _____	4. _____	ID# _____

OFFICER'S ENTERING SCENE:



1. _____	ID# _____	2. _____	ID# _____
3. _____	ID# _____	4. _____	ID# _____
5. _____	ID# _____	6. _____	ID# _____

OFFICER'S AT SCENE:

(Gun)	NAME	ID#	UNIT #	ARJIS 9	SCENE ASSIGNMENT
1.	BELANGER/TORRES	7326	71263		W/ SWS [REDACTED] / GUN
2.	CAMP FIELD		442K		WITNESS 1150
3.	LACAN GAN		444J	YES	WITNESS 1150
4.	CORTEZ	5999	442K	YES	EAST NORTH PERMITTER
5.	CASSIDY	7283	724J	YES	WITNESS 1150
6.	ZWIBEL	5475	40025		1170 # [REDACTED] [REDACTED]
7.	NOVAK	5048	2270 L		WELLNESS
8.	JARVIS	3663	8841		I.A.
9.	SOUTHERLAND				PATROL CHIEF
10.	ZIMMERMAN				CRIME SCENE SPECIALIST
11.	TAT	4709	7006		CHIEF
12.	CAS TANEDA	0284			SOUTHERN CAPTAIN
13.	DEAN, BOBBY	85			CRIME SCENE INTERVIEW
14.	CONLEY	4673	16405		DA INVESTIGATOR

HOMICIDE TEAM # _____ ASSUMED CONTROL OF THE SCENE AT _____ HOURS.

WITNESS CHECK/DETENTION

	NAME	DOB	SS #	ADDRESS AND PHONE	OFFICER	ID #
1.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2.	[REDACTED]	[REDACTED]	INTERVIEWED	LEFT SCENE	0629	[REDACTED]
3.	[REDACTED]	[REDACTED]	(NEG) 	[REDACTED]	[REDACTED]	6962 065
4.	[REDACTED]	[REDACTED]	A-9	[REDACTED]	RED	6962 070
5.	[REDACTED]	[REDACTED]	NEG 	[REDACTED]	[REDACTED]	696207
6.	[REDACTED]	[REDACTED]	A-9	[REDACTED]	[REDACTED]	6962 08
7.	[REDACTED]	[REDACTED]	INTERVIEWED	[REDACTED]	[REDACTED]	6962 07
8.	[REDACTED]	[REDACTED]	A-9	[REDACTED]	[REDACTED]	6962
9.	[REDACTED]	[REDACTED]	ESCORTED	[REDACTED]	[REDACTED]	6962 08

NARRATIVE

SGT / LT _____ ID # _____

SAN DIEGO POLICE DEPARTMENT

HOMICIDE SCENE ROSTER/SUMMARY REPORT

Location: 1170 W SAN YSIDRO BLVD Date: 9-28-15 Time: APPROX 0127 Beat: 712

INCIDENT NUMBER: _____

Suspect(s): _____ Victim(s): _____

Sgt./Lt.: SHARKI ID 5986 Scribe: RACK ID#: 7310

SERGEANT'S CHECK LIST

1. _____ SCENE CONTAINMENT, PROTECT EVIDENCE. TIME PERIMETER ESTABLISHED _____ HRS.
2. _____ INSURE SCENE IS LARGE ENOUGH (CONSIDER ESCAPE ROUTE OF SUSPECT).
3. _____ NEIGHBORHOOD CHECK.
4. _____ IDENTIFY, ISOLATE AND INTERVIEW ALL WITNESSES.
5. _____ DOCUMENT WITNESS SEARCH.
6. _____ ATTEMPT TO IDENTIFY THE SUSPECT.
7. _____ BROADCAST ALL UNITS IF NECESSARY.
8. _____ CONDUCT A FOLLOW UP INVESTIGATION WHENEVER POSSIBLE.
9. _____ RECORD ALL LICENSE PLATES IN SCENE AREA.
10. _____ PREPARE A LIST OF KEY WITNESSES TO DISCUSS DURING HOMICIDE BRIEFING.
11. _____ REVIEW AND APPROVE ALL REPORTS FROM PATROL OFFICERS AT SCENE (HEADING ON REPORTS).
12. _____ COMPLETE THE HOMICIDE ROSTER REPORT FORM.

UNIT RESPONSE AND ASSIGNMENT

1ST OFFICER/UNITS ON SCENE:

1. _____ ID# _____ 2. _____ ID# _____
 3. _____ ID# _____ 4. _____ ID# _____

OFFICER'S ENTERING SCENE:

1. _____ ID# _____ 2. _____ ID# _____
 3. _____ ID# _____ 4. _____ ID# _____
 5. _____ ID# _____ 6. _____ ID# _____

OFFICER'S AT SCENE:

	NAME	ID#	UNIT #	ARJIS 9	SCENE ASSIGNMENT
1.	CHAVEZ	5575	27735		
2.	BERNER	8791	LAB		
3.	LOZANO	4819	HOMICIDE TEAM 4		
4.	CORDES	8328	LAB		
5.	COLLIER	5537	1641		
6.	CRISNEROS	5811	1643D	TEAM 4	
7.	DUNNAN	6137	1642D		
8.	NISLEIT	4303	1600C		
9.	DORRISON	4305	1602L		
10.	SAJANSANOI	5638	81251		FIRST WATCH SGT.
11.	SMITH	6966	72231		WEST PERIMETER
12.	BRAWLEY	7084	72101		EAST PERIMETER
13.	ABOT	7081	71431		MIDDLE PERIMETER
14.	TELLO	7109	72314		RELIEVED OFFICER TORRES
15.	ESTRADA	6962	723K1	YES	RELIEVED OFFICER RACK



HOMICIDE TEAM # _____ ASSUMED CONTROL OF THE SCENE AT _____ HOURS.

WITNESS CHECK/DETENTION

	NAME	DOB	SS #	ADDRESS AND PHONE	OFFICER	ID #
1.	[REDACTED]	[REDACTED]	PED ESCORT	[REDACTED]	[REDACTED]	6962 085
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						

NARRATIVE

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and some minor discoloration or faint smudges, particularly near the top edge. The overall tone is off-white or light cream.

SGT / LT _____ ID # _____

HOMICIDE BRIEFING SCRIPT

I am CHRIS TIVANIAN my ID # is 5871. I am Unit # 44653
At 0104 hours, San Diego Police communications received a call from:
"MALE" LTB @ ALBERTO HERNANDEZ 11-28-55

The call was entered in communications at 0106 hours by CYNTHIA HALL #
ID # 8553. The incident number is 15090056613. The call originally came in as
a (type) 911 call at (address) 1170 W SAN YSIDRO on beat # 712.
BLVD

Officer(s) (Name, ID & Unit #) MATTHEW HERKELMAN # 7292 (71153),
BRANDON LULL # 7300 (71353) & JEFFREY MCCOY # 7099 (72553)
JEFF KYLE RACK # 7310 (72353)

were dispatched to the scene at 0108 hours. Officer(s) RACK (7235), HERKELMAN
was/were the first officer(s) on the scene. ✓ 0015 MCCOY (7255) (7115)

The victim has been identified as ALBERTO HERNANDEZ Race H Sex M DOB: 11-28-55
Of (address) [REDACTED]

Paramedic Unit # 29 Engine Co. # arrived at the scene at 0129 hours.
Paramedic #1: Name KEVIN VICTOR ID #: 11792
Paramedic #2: Name TOMAS ALLCANTAR ID #: 1959
Medical Personnel did the following:

The victim was transported to: MERCY Officer MATTHEW HERKELMAN
ID # 7292 went to the hospital with the victim and is standing by.
The victim was pronounced dead by: Dr. YANG at 0207 hours.

The victim is/was located:

(Describe scene, position of body, wounds if known and possible weapon)

ON LANDING UPPER BODY FACE DOWN ON LANDING (FACING) SOUTH
LOWER BODY ON STAIRS
GUN WAS NEAR HIS HAND ON LANDING
JEFF MCCOY # 7099 (72553) MARKED ON OUT OF WAY

Initial interviews have revealed the following: (scenario) PER [REDACTED]
S, HISTORY PSYC ISSUES & NOT TAKING MEDS. CALLED PD TO
BE ARRESTED TONIGHT. TOLD F TO STAY INSIDE WITH PD 97.
DID NOT KNOW WHAT S, INTENTIONS WERE



- 1) BRANDON LULL # 7300 2+4 617
- 2) JEFF MCCOY # 7099 4 617
- 3) JONATHAN WELLS # 7319 2-3 617
- 4) DEAN DISHUP # 5937 516 229

* 3 CONTAINS
A30-16-07

SHOTS WERE FIRED @ 0127 HRS

Your priority witnesses are (Name, address, phone # & DOB):

1. [REDACTED]
2. [REDACTED]
3. [REDACTED] HEARD OFFICER COMMANDS TO DROP GUN. 6-7 TIMES.
4. L2 ASLEEP, WAKES UP TO 2 GUN SHOTS COPS RETURN TO CURB
5. HEARS PEOPLE YELLING "GET DOWN" 5-6 SHOTS, 1 DOWN AT "DROP IT" & "GET BACK INSIDE" HEARD NO. 1 IS HEARD GIVE UP OR DROPPED GUN

The suspect(s) are described as follows:

- #1: _____
#2: _____
#3: _____
#4: _____

The suspect vehicle(s) is described as: _____

Follow Up: (DESCRIBE WHAT STEPS WERE TAKEN TO IDENTIFY AND ARREST SUSPECTS)

N/ [REDACTED] O OSCAR TORRES #6618 (71263) 2 SPANISH ONLY
N/ GUN : PETER BELANGER #7326 (71263)

Are there any questions?

Time control of the scene was relinquished _____

How may we be of assistance?

JMC 05/99

WITNESS:

[REDACTED] No Phone, [REDACTED]

L2 HEARD 3 OFFICERS ~~DOWN~~ OUTSIDE. HEARD ONE OFFICER SAY "SHOOT HIM", HEARD 10 SHOTS.

FIELD SUPERVISORS

HOMICIDE CHECKLIST

SCENE MANAGEMENT

1. _____ Scene Containment, Protect Evidence. Insure Scene is large enough.
2. _____ Time Perimeter established. _____
3. _____ Assign Scribe.
4. _____ Identify. Isolate and Interview All Witnesses.
5. _____ Neighborhood Check/Document Witness Search.
6. _____ Record All License Plates/Locations.
7. _____ Attempt to Identify and Apprehend the Suspect.
8. _____ Broadcast ALL UNITS if Necessary
9. _____ Conduct Follow-Up on Information Received
10. _____ Prioritize Witnesses. Know Where Witnesses are Located.
11. _____ Time Scene Released to Homicide _____

OTHER CONSIDERATIONS FOR SUPERVISORS

1. _____ If Victim Transported – Assign an Officer for Dying Declaration.
Collect the Victims clothing/Property and Preserve as Evidence
2. _____ Consider Need for Crisis Intervention/Peer Support
3. _____ Telephone the Watch Commander to Initiate Homicide Call-Out
(Do no use the phone in the scene)
4. _____ Consider the Need for Call-Outs for Other Units
(Gang Detail, Sex Crimes Unit, etc.)
5. _____ Insure that all Entries/Exits on the Perimeter are Secured
6. _____ Conduct Computer Checks on Possible Suspects, Vehicle Plates and the Victim.
Discuss Results in the Briefing.
7. _____ Consider taking a Photograph Upon Entry/Arrival at the Scene.
Do Not Re-Enter the Scene to Take the Photograph
8. _____ Collect an ARJIS 9 from Each Officer Involved in the Incident.
10-17 for all Reports. Headings on all ARJIS 9 Forms.
Insure that All Officer's ID Numbers are Included

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

SDPD INC# 15090056613

DATE (occurrence): September 28, 2015 (Monday)
TIME (occurrence): 0106 Hours
LOCATION: 1170 West San Ysidro Boulevard
SUBJECT: OIS
Suspect: HERNANDEZ, Alberto, H/M (59), DOB: 11-28-1955

OFFICER'S STATEMENT:

On 9/28/2015, at 0106 hours, I was working as a uniformed patrol Sergeant in Southeastern Division. I was also the assigned Primary Response Team Leader (PRT).

A radio call was aired in Southern Division regarding a male, later identified as Alberto HERNANDEZ, who called 911 stating he needed police and "I want to shoot her." Southern Division patrol officers responded to HERNANDEZ' [REDACTED] at 1170 West San Ysidro Boulevard [REDACTED]

I listened on the radio as the officers were confronted at the door by HERNANDEZ holding a handgun. The officers broadcast over the radio that HERNANDEZ was opening and closing the door while armed with a gun and there was a female inside the apartment as well.

Based on the nature of the radio call, I believed the incident would likely require some assistance from SDPD SWAT. As the assigned SWAT leader I drove from Southeastern Division toward the incident. I also directed Southeastern Patrol Officers Campfield #6037 and Lacangan #5957 (both SWAT officers) to make their way to the incident.

As I was driving on the Southbound I-5, HERNANDEZ confronted the officers while armed and was shot by the officers. Upon my arrival at the scene I parked my patrol car on the 1100 block of West San Ysidro and walked toward apartment number [REDACTED] ensuring I did not disturb and physical evidence in the parking lot area (shell casing, slugs, blood, etc). Medics were placing HERNANDEZ onto a gurney.

I made contact with A/Sergeant D. Bishop #5937. I told him I would assist in securing the inner and outer perimeter with crime scene tape and coordinate a witness check. I also went upstairs to unit [REDACTED] make contact with Officer O. Torres #6618. Officer Torres was standing by with [REDACTED] [REDACTED] Officer Torres was communicating with [REDACTED] in Spanish. I directed Officer Torres to get me the name of the suspect that was shot from [REDACTED] [REDACTED] provided HERNANDEZ' identity.

I then directed Officer Torres' trainee, Officer P. Belanger #7326 to stand by with the handgun HERNANDEZ was armed with when he was shot. The gun was located in a dirt area just below the landing where HERNANDEZ came to rest after being shot.

I directed Officers Campfield and Lacangan to conduct witness checks at several apartments located at 1150 West San Ysidro Boulevard.

Investigator's Report
OIS
Incident #15090056613
Page 2

I directed Officer J. Cortez #5999 to secure the west end of the perimeter on the 1100 block of West San Ysidro Boulevard.

I assigned Officer K. Rack #7310 to be the scribe for the incident.

After ensuring the scene was secure I was directed by Lieutenant A. Sharki # 5986 to obtain the appropriate information to conduct a brief to the SDPD Homicide Unit.

I provided the requisite briefing.

I contacted first watch Southern Division Sergeant L. Sainsanoy #5638 and requested first watch Southern Division patrol units respond to the scene to relieve the third watch officers.

After ensuring all third watch officers were relieved by first watch officers, I requested permission from SDPD Homicide Lieutenant P. Rorrison #4305 to leave the scene and return to Southeastern Division. I received his permission and left the scene at 0620 hours.

Prepared by: Sergeant C. Tivanian #5871
Date: 09/28/2015 @ 0500 Hours

**SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE**

☐ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☐ CRIME
☐ OTHER

INC # 15090056613

PAGE **1** OF **2** CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)		MONTH 9	DAY 28	YEAR 15	DAY OF WEEK MONDAY	TIME
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO BLVD		CITY			BEAT 712	DISTRICT
PERSON(S) INVOLVED: VICTIM		SUSPECT (IF NAMED)			PROPERTY TAG NO. (S)	

ORIGIN:

ON 9/28/15, AT APPROXIMATELY 0108 HOURS I RESPONDED TO A 911 RADIO CALL AT 1170 WEST SAN YSIDRO BLVD. FOR A MALE SAYING HE NEEDED POLICE. ON THE CALL THERE WAS INFORMATION THAT THE REPORTING PARTY SAID "I WANT TO SHOOT HER".

OFFICERS STATEMENT:

I ARRIVED ON SCENE WITH OFFICERS MCCOY #7099 AND HERKELMAN #7292. OFFICER MCCOY ADVISED ME THAT HE HAD BEEN TO THIS ADDRESS BEFORE AND HAD PLACED A MALE ON A SISO HOLD. OFFICER MCCOY AND I WENT UP THE STAIRS AND HE KNOCKED ON THE DOOR. I MOVED PAST A WINDOW THAT ALLOWED ME TO SEE INSIDE. I SAW A FEMALE WALKING TO THE DOOR AND ADVISED OFFICER MCCOY. WHEN THE DOOR OPENED I SAW OFFICER MCCOY DRAW HIS WEAPON AND SAY "PUT THE GUN DOWN".

OFFICER MCCOY, OFFICER HERKELMAN, AND I MOVED DOWN THE STAIRS AND TOOK POSITIONS ON THE GROUND FLOOR AROUND THE APARTMENT. I WAS ABLE TO SEE THE FRONT DOOR AND WINDOW FROM THE NORTH EAST CORNER OF THE APARTMENTS. WHILE AT MY POSITION I SAW THE DOOR OPEN AND A BLACK HANDGUN POINTED OUT FROM BEHIND THE DOOR. I GAVE SEVERAL COMMANDS FOR THE GUN TO BE DROPPED. I NEVER SAW THE GUN POINTED DOWN.

OFFICER HERKELMAN HAD CLEARED THE LOWER LEFT APARTMENT AND

REPORTING OFFICER K. RACK	I.D. # 7310	DIVISION S-3	APPROVED BY: SGT. TITANIAN #5871	DATE OF REPORT:	MONTH 9	DAY 28	YEAR 2015	TIME 0600
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1 WAS CONTACTING THE LOWER RIGHT APARTMENT WHEN I HEARD THAT A MALE WAS COMING OUT OF THE APARTMENT. I SAW A MALE COMING DOWN THE STAIRS WITH A BLACK GUN IN HIS HAND. I MOVED AROUND A WALL TO COVER AFTER I DIDNT THINK I HAD A CLEAR SHOT.

I HEARD SEVERAL COMMANDS GIVEN TO DROP THE GUN, I THEN HEARD SEVERAL SHOTS AND SAW THE MALE DOWN ON THE STAIRS. OFFICERS MOVED IN ON THE MALE AND SECURED HIM AND THE GUN. I COVERED THE HOUSE NOT KNOWING IF THERE WERE OTHER PEOPLE WITH GUNS.

AFTER THE MALE WAS SECURED I CHECKED THE BACK SIDE OF THE APARTMENT WITH OFFICER WELLS. WE GOT RESPONSES FROM THE TOP FLOOR AND BOTTOM RIGHT THAT EVERYTHING WAS OK. THERE WAS NO RESPONSE FROM THE BOTTOM LEFT APARTMENT.

AFTER CHECKING THE BACKSIDE OF THE APARTMENT I COMPLETED FIELD INTERVIEWS AT 1170 WEST SAN YSIDRO BLVD [REDACTED] AFTER THAT I WAS APPOINTED SCRIBE FOR THE SCENE.

☐ OFFICER'S REPORT ONLY

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

Inc #15090056613

PAGE

1 OF 2

CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

9

DAY

28

YEAR

15

DAY OF WEEK

MONDAY

TIME

0618

LOCATION OF INCIDENT (OR ADDRESS)

1170 W SAN YSIDRO BLVD

CITY

BEAT

712

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

N

(NOT TO SCALE)

1100 W SAN YSIDRO BLVD.

SOPD

(1383789)

CA

REPORTING OFFICER

RACN

I.D. #

730

DIVISION

S-3

APPROVED BY:

DATE OF REPORT:

MONTH

DAY

YEAR

TIME

NOT USED

☒ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☐ CRIME
☐ OTHER

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

INC#
15090056613

PAGE 1 OF 2 CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

09

DAY

28

YEAR

2015

DAY OF WEEK

MON

TIME

0141

LOCATION OF INCIDENT (OR ADDRESS)

1170 W. SAN YSIDRO BLVD

CITY

SAN DIEGO

BEAT

712

DISTRICT

SOUTH

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

ON 09.28.15 AT 0141 HOURS, I RESPONDED FROM SAN DIEGO CENTRAL JAIL, TO A REPORT OF SHOTS FIRED BY POLICE AT 1170 W. SAN YSIDRO. I ARRIVED AT THE SCENE AND WAS INSTRUCTED TO TAKE A WITNESS STATEMENT FROM THE RESIDENTS AT APARTMENT [REDACTED] WHICH IS DIRECTLY BELOW THE SUSPECTS APARTMENT. THERE WERE THREE BULLET HOLES ABOVE THE DOOR OF APARTMENT [REDACTED]. THE RESIDENTS WERE UNHURT AND GAVE ME THE FOLLOWING STATEMENTS:

STATEMENT OF [REDACTED] (WITNESS):

I WAS SLEEPING WHEN I AWOKED TO SOMEONE YELLING "DROP THE GUN!" AN OFFICER TRIED TO EVACUATE US BUT THEN SHOTS WERE FIRED. THE OFFICER THEN TOLD US TO STAY INSIDE AND LOCK THE DOORS. I DIDN'T SEE ANYTHING, JUST HEARD THINGS.

STATEMENT OF [REDACTED] (WITNESS):

ME AND [REDACTED] WERE ASLEEP IN OUR ROOM WHEN WE WERE WOKEN UP BY YELLING OUTSIDE. WE HEARD "PUT THE GUN DOWN!" AND AN OFFICER TRIED TO EVACUATE US. SHOTS WERE FIRED AND WE WERE TOLD TO STAY INSIDE BY THE OFFICER. WE DIDN'T SEE ANYTHING JUST HEARD IT.

AFTER OBTAINING THE ABOVE STATEMENTS I TOOK A PERIMETER

REPORTING OFFICER	I.D. #	DIVISION	APPROVED BY:	MONTH	DAY	YEAR	TIME
CASSIDY	7283	SOUTHERN	SGT. TIVANIAN #5871	09	28	2015	0350

SECURITY POST AT 1130 W. SAN YSIDRO AND EL PORVENIR ROAD. I HAD
THE POST UNTIL 0530 HOURS AND NO UNAUTHORIZED PERSONS WERE
LET IN TO THE SCENE. OFFICER K. MILES RECEIVED ME AND TOOK
MY POST.

		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
				PAGE 1 of 2	
CODE SECTION AND DESCRIPTION PC / 417(C):F / EXHIBIT FIREARM IN PRESENCE OF PEACE OFFICER		DATE 09/28/2015	DAY OF WEEK Monday	CASE NUMBER 00000000	
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]		CITY SAN DIEGO		TIME 01:06	
				BEAT 712	

ORIGIN:

On 09/28/2015 at 0106 hours, Officer Rack #7310, Officer McCoy #7099 and I responded to a 911 call at 1170 West San Ysidro Boulevard Apartment [REDACTED] According to the call the 911 caller said "I want to shoot her."

Officer's Statement:

Apartment [REDACTED] is the middle apartment on the second floor of the building. There is a narrow staircase and a small balcony leading to each of the apartments on the second floor of the building. Officer Rack, Officer McCoy and I went to the front door of apartment [REDACTED] and knocked. A man opened the door and Officer McCoy drew his firearm and yelled at the man to drop the gun repeatedly. The man closed and locked the door. Officer McCoy got on the radio and advised dispatch of the situation while we moved away from the front door of the apartment to a position of safety. As we watched the front of the apartment building, the suspect opened the door multiple times and pointed his gun outside. I checked the back of the apartment building and determined the only exit from the apartment was through the front. We made the decision to start evacuating residents from the first floor apartments.

While I was in the process of evacuating the second apartment on the first floor, the suspect opened the door and walked outside. I could hear several different officers repeatedly yelling at him to drop the gun. I was standing under the second floor balcony so I could not see him. I took a knee behind a small wall in front of the apartment I was evacuating. I saw the suspect walk down the stairs. I could see that he had a pistol in his hand and he appeared to be aiming it towards the officers in front of the building. The suspect was wearing an orange sleeveless shirt and blue jeans. He appeared to be moving very slowly and pointed the gun side to side as if at multiple targets in the direction of the officers. I drew my firearm and pointed it at him. Due to concerns over crossfire/blue on blue fire I decided not to engage the suspect and took cover behind the wall. I heard multiple shots fired and then it went quiet. I ran into the apartment and told the [REDACTED] living there to go to the back of the apartment to get them out of the line of fire. I could see the suspect laying in a ball on the stairs from inside the apartment. Officers approached the suspect and placed him in handcuffs.

The suspect was taken to Scripps Mercy Hospital by Paramedic unit 29. I met the paramedics at Mercy. The suspect arrived at Mercy at 0202 hours where the medical staff performed CPR until he was declared deceased at 0207 hours by Dr Yang. Joanna Wright, the lead nurse for the trauma unit, was my contact at the hospital. Wright told me the suspect had 10 bullet wounds to the front of his body but they hadn't checked his back. The suspect only had a pair of keys on him. I maintained custody of the body while it was at the hospital until I was relieved Homicide Detective J. Cisneros #5811 and Medical Examiner Mark Malamatos #16.

REPORTING OFFICER MATTHEW HERKELMAN	I.D. # 7292	DIVISION S3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 05:36
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CONTINUED FROM

SAN DIEGO REGIONAL OFFICER'S REPORT

PAGE
2 of 2

INCIDENT NUMBER
15090056613

CASE NUMBER
00000000

Approved By: Sgt. Sainsanoy #5638

REPORTING OFFICER MATTHEW HERKELMAN	I.D. # 7292	DIVISION S3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 05:36
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(Revised 09/2013 Electronic)

CONTINUED FROM
CRIME

SAN DIEGO REGIONAL OFFICER'S REPORT

CODE SECTION AND DESCRIPTION HS / UNKNOWN / UNKNOWN/INVALID CHARGE	DATE 09/28/2015	PAGE 1 of 1	INCIDENT NUMBER 15090056613
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]	DAY OF WEEK Monday	CITY SAN DIEGO	CASE NUMBER 00000000
			TIME 01:30
			BEAT 712

Officer's Statement:

On 09-28-2015, about 0700 hours, Officer Tello #7109 and I responded to the scene at 1170 W. San Ysidro Blvd to assist officers on incident #15090056613. I relieved Officer Rack (#7310) as scene scribe. I spoke with [REDACTED] who was in her apartment during the incident. I obtained the following paraphrased statement:

Statement of [REDACTED] (Witness):

I was in my apartment and I heard yelling. I heard someone say, "Drop the gun!!" Then I heard about 5 shots.

-End of Statement-

I also spoke with [REDACTED] who was in her apartment during the incident. I obtained the following paraphrased statement:

Statement of [REDACTED] (Witness):

At around 1:15 (am) I was in my apartment and I heard a lot of yelling. I couldn't hear what they were yelling so I just thought it was people playing around. Then I heard 3 or 4 shots. It scared me so much I called into work today.

-End of Statement-

I spoke with [REDACTED] who heard the incident, and I obtained the following paraphrased statement:

Statement of [REDACTED] (Witness):

I was in my apartment and I heard gunshots. I looked out the window which overlooks the parking lot and I saw all the police cars. I heard 5 or 6 shots and I saw the guy on the stairs slumped over.

-End of Statement-

Approved by: Sgt. Sainsanoy #5638

REPORTING OFFICER AMANDA ESTRADA	I.D. # 6962	DIVISION S1	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 11:01
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OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
				PAGE 1 of 1	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 09/28/2015	DAY OF WEEK Monday	TIME 01:23	
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]			CITY SAN DIEGO	BEAT 712	
PERSON(S) INVOLVED: VICTIM [REDACTED]					
SUSPECT (IF NAMED) Hernandez, Alberto					

Officer's Report:

On September 28, 2015 at 0123 hours, Officer Belanger #7326 and I responded to 1170 W San Ysidro Blvd [REDACTED] regarding a male with a hand gun who had threatened to kill his [REDACTED]. Upon arrival officers had made contact with a male at an upstairs apartment who had opened the door with a hand gun in his hand. The male later identified as Alberto Hernandez (11/28/55) slammed the door shut as officers took cover.

When Officer Belanger and I arrived, I grabbed my AR-15 and deployed out to the apartment complex. As I approached the complex, I saw Hernandez exit his apartment. Hernandez walked out to the balcony with a black handgun in his hand. Hernandez began had the handgun in the air and was waving it around towards police officers who were facing the apartment. Hernandez began to walk toward the stairs and began to walk down them. Hernandez continued to wave the gun around pointing it towards officers. Once he walked down the stairs he was on the mid platform and continued to point the gun at officers. At that time officers shot Hernandez. Hernandez fell on the platform.

Officer Mccoy #7099 and I approached Hernandez. I pulled out a pair of handcuffs and handcuffed Hernandez. Officer Mccoy and I then entered the residence to check the welfare of the female who was seen inside the apartment. Officer Mccoy and I cleared the residence. I remained in the apartment and spoke to [REDACTED]. I remained with [REDACTED] as I was able to obtain Hernandez's information from [REDACTED]. I remained in the apartment until Homicide investigators arrived. Homicide Detective Juan Cisneros #5811 came and interviewed [REDACTED].

After the interview, I was relieved by another officer who remained at the scene.

Approved by: A/Sgt. D. Bishop #5937

REPORTING OFFICER OSCAR TORRES	I.D. # 6618	DIVISION S3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 22:15
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OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
				PAGE 1 of 1	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 09/28/2015		DAY OF WEEK Monday	
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]		CITY SAN DIEGO		TIME 01:23	
PERSON(S) INVOLVED: VICTIM [REDACTED]		BEAT 712			
SUSPECT (IF NAMED) Hernandez, Alberto					

Officer's Report:

On 09/28/15 at 0123 Hours, Officer Torres #6618 and I responded to 1170 W San Ysidro Blvd [REDACTED] to investigate a male with a handgun threatening to kill his [REDACTED]

When officers arrived, the suspect, later identified as Alberto Hernandez, answered the door with the handgun in his hand and closed and locked the doors on the officers. The officers retreated to a position of cover until more units responded. Hernandez began opening the door and brandishing the handgun, but would then close the door.

When Officer Torres and I arrived on scene, we parked at the east entrance of the apartment parking lot to block off any traffic from the road and to block off the parking lot entrance. As we exited the vehicle, officers were already in front of the apartment complex. Officers began shouting orders at Hernandez to drop his weapon.

We ran towards the apartment to a position of cover behind parked vehicles in the parking lot. Hernandez was at the top of the stair case holding the handgun in his right hand. Hernandez was pointing it out at the officers in front of him. Hernandez began to walk down the stairs, still pointing his handgun towards officers. Hernandez was not complying with the Officer commands to put down the handgun.

Hernandez still had the handgun pointed at officers and after repeated attempts to get compliance. Officers opened fire on the suspect as he was advancing towards them. Hernandez fell on the steps just below the middle platform and was laying there with the weapon still next to his right hand. Hernandez was no longer moving and was not responding to officer's attempts to move away from the handgun. Hernandez was handcuffed by Officer Torres and Officer McCoy #7099. I assisted in clearing the apartment with other officers.

I was told to go downstairs and watch Hernandez' handgun until I was relieved.

Approved by: A/Sgt. D. Bishop #5937

REPORTING OFFICER PETER BELANGER	I.D. # 7326	DIVISION S3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 22:15
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OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
				PAGE 1 of 2	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 09/28/2015	DAY OF WEEK Monday	CASE NUMBER 00000000	
LOCATION OF INCIDENT (OR ADDRESS) 1150 W SAN YSIDRO(SB) (SB) BL [REDACTED]		CITY SAN DIEGO		TIME 01:06	
				BEAT 712	

OFFICER'S STATEMENTS:

On 09-28-15, at 0106 hours, Officer J. Cortez #5999 and I were working patrol in Southeastern Division. While on patrol I could hear a radio call in Southern Division of a 911 hang up at 1150 W. San Ysidro Blvd [REDACTED]. The dispatcher advised that the reporting party, a male, said "I want to shoot her." The dispatcher also advised that she could hear a female in the background.

On the radio I could hear Southern units on scene advise a male came to the door holding a gun.

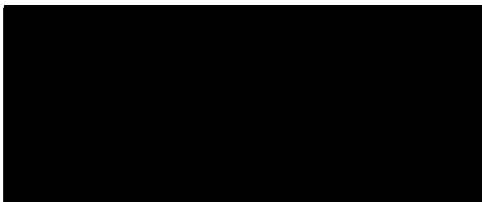
On 09-28-15, at 0125 hours, Officer J. Cortez #5999 and I volunteered to assist on the male with the gun incident at 1150 W. San Ysidro Blvd. While in route to the incident I heard Officers advised that the suspect continued to come to the front door holding a gun. Officers advised that the suspect was coming out of the residence and then that they had "shots fired." The Officers on scene advised that they had the suspect in custody.

Upon arrival I activated my Body Worn Camera (BWC). I could see the suspect was lying on the bottom stairwell, which lead up to 1150 W. San Ysidro Blvd [REDACTED]. The suspect was handcuffed. I spoke with Sergeant D. Bishop #5937 who asked if we could move the patrol vehicles out of the driveway and secure the scene. Officer Cortez and I moved the patrol vehicles. Officer Cortez then began setting up tape while I checked for evidence. I located several shell casings several feet from the rear end of the patrol vehicle #7166. Medics arrived on scene and transported the suspect.

After securing the scene I helped with witness checks in the apartment complex.

STATEMENTS:

Statement of [REDACTED] (Witness):



[REDACTED] said she woke up to two gunshots. [REDACTED] heard people yelling "Get down!", "Drop it!" and "Get back inside!" [REDACTED] said she got up and looked out the window. [REDACTED] saw the police outside. [REDACTED] said it took approximately ten minutes for the ambulance to arrive. When the ambulance arrived they took someone away on the stretcher.

REPORTING OFFICER GORDON CAMPFIELD	I.D. # 6037	DIVISION SE3	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 02:22
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SAN DIEGO REGIONAL
OFFICER'S REPORT

After talking to [REDACTED] I attempted to contact the residence of [REDACTED] but there was no answer. I then spoke with the residence at [REDACTED]

Statement of [REDACTED] and [REDACTED] (Witnesses):

[REDACTED]

[REDACTED] told me they were awake because [REDACTED] could not sleep. [REDACTED] said she saw some lights outside so they began looking out the window. They said they saw Officers and could hear them yelling 6-7 times "Drop the gun!" They said they could see approximately five officers at the bottom of the balcony stairs. They said the officers then took cover behind the vehicles parked in the parking lot. The suspect came down the stairs. The officers kept yelling "Drop the gun!" They heard approximately 5-6 gunshots. [REDACTED] said she grabbed her [REDACTED] and covered him up. [REDACTED] said the suspect dropped on the middle of the stairs. [REDACTED] said the suspect never dropped the gun.

After witness checks I continued to help secure the scene. I was relieved at approximately 0645 hours.

Approved by: Sergeant Tivanian #5871

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

☐ OFFICER'S REPORT ONLY

CONTINUED: ☐ ARR./JUV.CON.

FROM

☒ CRIME

☐ OTHER

PAGE

1 OF 2

CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

O.I.S.

MONTH

09

DAY

28

YEAR

15

DAY OF WEEK

MON

TIME

0106

LOCATION OF INCIDENT (OR ADDRESS)

1150 W. SAN YSIDRO

CITY

SAN DIEGO

BEAT

712

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

OFFICER STATEMENT:

ON 09-28-15 AT APPROXIMATELY 0124 HRS, I ASSISTED SOUTHERN DIVISION POLICE OFFICERS ON A OFFICER INVOLVED SHOOTING AT 1170 W. SAN YSIDRO BOULEVARD.

UPON ARRIVAL, I WAS ASSIGNED TO TAKE WITNESS STATEMENTS FROM 1150 W. SAN YSIDRO BOULEVARD APARTMENTS [REDACTED] THRU [REDACTED] I SPOKE TO THE FOLLOWING OCCUPANTS:

APARTMENT [REDACTED]

AT APPROXIMATELY 1:20 A.M. I HEARD APPROXIMATELY FOUR GUN SHOTS OUTSIDE.

APARTMENT [REDACTED]

NONE

AT 1:30 A.M. I HEARD ABOUT THREE COPS OUTSIDE AND I HEARD ONE SAY/ SHOOT HIM, AND THEN I HEARD ABOUT 10 GUN SHOTS.

APARTMENT [REDACTED]

N/A

AT ABOUT 1:30 A.M. I HEARD FIVE GUN SHOTS AND YELLING OUTSIDE.

APARTMENT [REDACTED] - [REDACTED]

AT ABOUT 1:30 A.M. I HEARD A FEW GUN SHOTS OUTSIDE.

REPORTING OFFICER

E. LACANSAU

I.D. #

S957

DIVISION

SE-3

APPROVED BY:

#5871
SGT. TIVANIAN

MONTH

9

DAY

28

YEAR

15

TIME

0407

DATE OF REPORT:

CONTINUED FROM
CRIME

SAN DIEGO REGIONAL OFFICER'S REPORT

INCIDENT NUMBER 15090056613
CASE NUMBER 00000000
PAGE 1 of 1
DATE 09/28/2015
DAY OF WEEK Monday
TIME 01:06
CITY SAN DIEGO
BEAT 712

CODE SECTION AND DESCRIPTION
HS / UNKNOWN / UNKNOWN/INVALID CHARGE
LOCATION OF INCIDENT (OR ADDRESS)
1170 W SAN YSIDRO(SB) (SB) BL

DATE
09/28/2015

DAY OF WEEK
Monday

TIME
01:06

CITY
SAN DIEGO

BEAT
712

On 09-28-2015, at about 0619 hours, Officer Estrada (#6962) and I volunteered to assist in a officer involved shooting located at 1170 W San Ysidro. We arrived at the location and I was instructed to relieve Officer Torres (#6618) who was standing near the suspect's [REDACTED] front entrance. There was a female residing in the [REDACTED] who only spoke Spanish. I informed the female I was relieving Officer Torres and if she had any questions or concerns to let me know.

When the collection of evidence was completed I informed the female that Officer Abot (#7081) was relieving me at my post.

Approved: Sgt. Sainsanoy #5638

REPORTING OFFICER ANTHONY TELLO	I.D. # 7109	DIVISION S1	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 11:26
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(Revised 09/2013 Electronic)

Continued From: Crime Report		San Diego Regional Officer's Report Narrative		Incident Number: 15090056613	
Page 1 of 1				Case Number: 00000000	
Code Section And Description (one incident only) ZZ 981153 - MISCELLANEOUS REPORTS - 153			Date: 9/28/2015		Day of Week: Mon
Location Of Incident (Or Address): 1170 W SAN YSIDRO BL [REDACTED] San Diego, Ca 92173			City		District
Person(s) Involved: Victim:			Beat: 712		
Suspect (If Named):					
Property Tag No.(s):					

Officer's Statement:

On 09/28/2015, at approximately 0130 hours, I responded to 1170 W. San Ysidro Blvd. for an officer involved shooting. I arrived on scene and a primary and secondary perimeter had already been set. I was assigned to the northeast perimeter and prevented unauthorized persons and vehicles from entering. I was relieved at approximately 0600 hours by first watch officers.

Reporting Officer MILES	I.D.# 7220	Division: S3	Approved By <i>A/SGT. D. BISHOP</i>	Date of Report: 09/28/2015	Time: 21:46
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COPY - 09/28/2015

#5937

		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
				PAGE 1 of 1	
CODE SECTION AND DESCRIPTION HS / UNKNOWN / UNKNOWN/INVALID CHARGE			DATE 09/28/2015	DAY OF WEEK Monday	TIME 00:00
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]				CITY SAN DIEGO	BEAT 712

OFFICER'S STATEMENT:

On 09-28-2015 at 0552 hours, I responded to 1170 West San Ysidro Boulevard regarding an Officer involved shooting. Upon arrival, I was directed to relieve the Officer located on the west perimeter, 1181 West San Ysidro Boulevard, of the scene. I relieved Officer Cortez #5999. I was instructed to keep all vehicle and pedestrian traffic out of the scene. I maintained the the perimeter until I was instructed to breakdown the police tape line to allow vehicle traffic to pass through the area. I returned to service at 1138 hours.

I had no further involvement in the incident.

Approved by: Sgt. Sainsanoy #5638

REPORTING OFFICER ANDREW SMITH	I.D. # 6966	DIVISION S1	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 11:44
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Continued From: Other		San Diego Regional Officer's Report Narrative		Incident Number: 15090056613	
Page 1 of 1				Case Number:	
Code Section And Description (one incident only) PC UNKNOWN - UNKNOWN			Date: 9/28/2015	Day of Week: Mon	Time: 01:06
Location Of Incident (Or Address): 1170 W SAN YSIDRO BL San Diego, Ca 92173			City	District	Beat: 712
Person(s) Involved: Victim:					
Suspect (If Named):					
Property Tag No.(s):					

OFFICER ACTION:

On 09-28-2015, I was in full police uniform, driving a marked San Diego Police vehicle. My unit designator was 721B1. At approximately 0559 hours, I responded to assist with perimeter security while Homicide Detectives were investigating an officer involved shooting, which resulted in a homicide at 1170 W. San Ysidro Boulevard. *The incident number was 15-090056613.*

I arrived on scene at approximately 0603 hours. I relieved Officer K. Miles (#7220), taking over the duties of traffic control and perimeter security at the exterior of the scene at the intersection of W. San Ysidro Boulevard and Howard Avenue.

I remained at the scene until the conclusion of the investigation, and secured the scene at approximately 0950 hours, upon the arrival of Harmony Environmental (contract hazmat/clean up).

had no further involvement.

Approved: Sgt. Sainsanoy #5638

Reporting Officer BRANTLEY	I.D.# 7084	Division: S2	Approved By	Date of Report: 09/28/2015	Time: 10:28
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COPY - 09/28/2015

Continued From: OTHER		San Diego Regional Officer's Report Narrative		Incident Number 15090056613	
Page 1 of 1				Case Number	
Code Section And Description (one incident only) ?C UNKNOWN-UNKNOWN		Date 09-28-2015		Day of Week MON	Time 0:06
Location Of Incident (Or Address) 1170 W. SAN YSIDRO BLVD		SAN DIEGO, CA 92123		City	Beat 712
Person(s) Involved: Victim					
Suspect (If Named)					
Property Tag No. (s)					

Officer's narrative:

On 09-28-2015, I was on duty driving marked police vehicle and wearing full police uniform. My unit designator was 714J1. At around 0559 hours, I responded to a call regarding police units needing assistance at 1170 W San Ysidro Blvd. The incident was an officer involved shooting.

I arrived on scene at 0605 hours and assisted with keeping pedestrians outside of the crime scene in the middle of the perimeter. I also assisted in conducting traffic control on the east of the end of the crime scene perimeter on W. San Ysidro Blvd/Howard Ave.

I remained at the scene until Harmony Environmental arrived on scene for cleanup. Harmony Environmental arrived on scene at 0950 hours. I left the scene and had no further involvement.

Approved: Sgt. Sainsanoy #5638

Reporting Officer J. ABOT	I.D.# 7081	Division S1	Approved By	Date of Report 09-28-2015	Time 10:28
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SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

IN # 150900566/3

☒ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☐ CRIME
☐ OTHER _____

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)		MONTH	DAY	YEAR	PAGE OF	CASE NUMBER	
O.I.S.		9	28	15			
LOCATION OF INCIDENT (OR ADDRESS)		CITY			DAY OF WEEK		TIME
1170 W SAN YSEDRO		SAN DIEGO			MON		0127
PERSON(S) INVOLVED: VICTIM		SUSPECT (IF NAMED)			BEAT		DISTRICT
					712		
					PROPERTY TAG NO. (S)		

ON 09-28-15 AT 0600 HOURS I RESPONDED TO 1170 W SAN YSEDRO TO ASSIST ON AN OFFICER INVOLVED SHOOTING SCENE. I WAS TASKED BY SGT. C. EVANIAN #5871 TO ASSIST WITH SECURING THE SCENE. DETECTIVE COMPLETED THEIR INVESTIGATION AND THE PERIMETER WAS BROKEN DOWN AT 0950 HOURS.

REPORTING OFFICER	I.D. #	DIVISION	APPROVED BY:	DATE OF REPORT:	MONTH	DAY	YEAR	TIME
SAEN SANCY	5638	S-1	E. SERVINO LT. #1006		09	28	15	1200

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

☐ OFFICER'S REPORT ONLY
 CONTINUED: ☐ ARR./JUV.CON.
 FROM ☐ CRIME
☒ OTHER 015

SECTION AND DESCRIPTION (ONE INCIDENT ONLY) <u>015</u>		MONTH <u>09</u>	DAY <u>28</u>	YEAR <u>2015</u>	PAGE OF	CASE NUMBER	
LOCATION OF INCIDENT (OR ADDRESS) <u>1170 W. SAN YSIDRO</u>					CITY	DAY OF WEEK <u>MON</u>	TIME <u>0106</u>
PERSON(S) INVOLVED: VICTIM			SUSPECT (IF NAMED)		BEAT <u>712</u>	DISTRICT	
					PROPERTY TAG NO. (S)		

OFFICER'S STATEMENT:

ON 09/28/2015, AT APPROXIMATELY 0105 HOURS, OFFICER C. CAMPFIELD #6037 AND I RESPONDED 1170 W SAN YSIDRO TO ASSIST OFFICERS AT THE SCENE WITH A RADIO CALL OF MAN WITH A GUN.

OFFICER CAMPFIELD AND I ARRIVED AT THE SCENE AT APPROXIMATELY 0108 HOURS. I WAS DIRECTED BY OFFICER CAMPFIELD TO MOVE PATROL VEHICLES OUT OF SCENE BY THE DIRECTION OF THE ACTING SERGEANT AT THE SCENE. I MOVED THE SERGEANT'S VEHICLE AND I PARKED IT IN THE SOUTH BOUND LANE OF 1100 W. SAN YSIDRO.

I PLACED YELLOW TAPE ON THE SOUTH AND NORTH BND OF 1100 W SAN YSIDRO. I ASSUMED THE NORTH BND PERIMETER

AT APPROXIMATELY 0018 HOURS I WAS RELIEVED BY OFFICER ~~CAMPFIELD~~ OFFICER SMITH # 6266. NO UNAUTHORIZED PERSONNEL WERE ALLOWED INTO THE SCENE.

REPORTING OFFICER <u>J. CARTER</u>	I.D. # <u>5995</u>	DIVISION <u>853</u>	APPROVED BY: <u>#5871</u> <u>SGT. TRIANNU</u>	DATE OF REPORT:	MONTH <u>9</u>	DAY <u>28</u>	YEAR <u>15</u>	TIME <u>0620</u>
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X/OT

USC77

SAN DIEGO POLICE AIR SUPPORT UNIT

ABLE LOG

DATE: September 28th, 2015

INCIDENT # 15090056613

TIME: 0118 hours

INCIDENT: Officer involved shooting of suspect with gun.

LOCATION: 1170 West San Ysidro Blvd.

CREW: J. Waggaman #6031 (PIC)

T. Gonzalez #5542 (TFO)

While flying over Mid-City Division we heard an officer from Southern division air that a suspect just came to the door with a gun and then retreated back inside. We responded to the call and arrived a couple minutes later. The officers directed us to the upstairs right apartment as the one being where the suspect resided.

We established a view of the front door and noticed the suspect appeared at the door several times and continued to go back inside. Eventually the suspect walked out on the balcony and started down the stairs with what appeared to be a handgun in his right hand. When he neared the bottom of the stairs he took a shooting stance, raised the gun and pointed it in the direction of an officer below. An unknown amount of shots were fired and the suspect collapsed on the stairs. He was then taken into custody.

We had to leave the scene shortly after due to approaching weather. We returned to the base where we impounded tape #3757.

T. Gonzalez

Air Support Unit

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

SDPD INC# 15090056613

DATE (occurrence): September 28, 2015 (Monday)
TIME (occurrence): 0106 Hours
LOCATION: 1170 West San Ysidro Boulevard
SUBJECT: OIS
Suspect: HERNANDEZ, Alberto, H/M (59), DOB: 11-28-1955

OFFICER'S STATEMENT:

On 9/28/2015, at 0106 hours, I was working as a uniformed patrol Sergeant in Southeastern Division. I was also the assigned Primary Response Team Leader (PRT).

A radio call was aired in Southern Division regarding a male, later identified as Alberto HERNANDEZ, who called 911 stating he needed police and "I want to shoot her." Southern Division patrol officers responded to HERNANDEZ' residence at [REDACTED]

I listened on the radio as the officers were confronted at the door by HERNANDEZ holding a handgun. The officers broadcast over the radio that HERNANDEZ was opening and closing the door while armed with a gun and there was a female inside the apartment as well.

Based on the nature of the radio call, I believed the incident would likely require some assistance from SDPD SWAT. As the assigned SWAT leader I drove from Southeastern Division toward the incident. I also directed Southeastern Patrol Officers Campfield #6037 and Lacangan #5957 (both SWAT officers) to make their way to the incident.

As I was driving on the Southbound I-5, HERNANDEZ confronted the officers while armed and was shot by the officers. Upon my arrival at the scene I parked my patrol car on the 1100 block of West San Ysidro and walked toward apartment number [REDACTED] ensuring I did not disturb and physical evidence in the parking lot area (shell casing, slugs, blood, etc). Medics were placing HERNANDEZ onto a gurney.

I made contact with A/Sergeant D. Bishop #5937. I told him I would assist in securing the inner and outer perimeter with crime scene tape and coordinate a witness check. I also went upstairs to unit [REDACTED] make contact with Officer O. Torres #6618. Officer Torres was standing by with [REDACTED] [REDACTED] Officer Torres was communicating with [REDACTED] in Spanish. I directed Officer Torres to get me the name of the suspect that was shot from [REDACTED] [REDACTED] provided HERNANDEZ' identity.

I then directed Officer Torres' trainee, Officer P. Belanger #7326 to stand by with the handgun HERNANDEZ was armed with when he was shot. The gun was located in a dirt area just below the landing where HERNANDEZ came to rest after being shot.

I directed Officers Campfield and Lacangan to conduct witness checks at several apartments located at 1150 West San Ysidro Boulevard.

I directed Officer J. Cortez #5999 to secure the west end of the perimeter on the 1100 block of West San Ysidro Boulevard.

I assigned Officer K. Rack #7310 to be the scribe for the incident.

After ensuring the scene was secure I was directed by Lieutenant A. Sharki # 5986 to obtain the appropriate information to conduct a brief to the SDPD Homicide Unit.

I provided the requisite briefing.

I contacted first watch Southern Division Sergeant L. Sainsanoy #5638 and requested first watch Southern Division patrol units respond to the scene to relieve the third watch officers.

After ensuring all third watch officers were relieved by first watch officers, I requested permission from SDPD Homicide Lieutenant P. Rorrison #4305 to leave the scene and return to Southeastern Division. I received his permission and left the scene at 0620 hours.

Prepared by: Sergeant C. Tivanian #5871
Date: 09/28/2015 @ 0500 Hours

HOMICIDE BRIEFING SCRIPT

I am CHRIS TIVANIAN my ID # is 5871. I am Unit # 44653
At 0104 hours, San Diego Police communications received a call from:
"MALE" LTB: ALBERTO HERNANDEZ 11-28-55

The call was entered in communications at 0106 hours by CYNTHIA HALL #
ID # 8553. The incident number is 15090056613. The call originally came in as
a (type) 911 call at (address) 1170 W SAN YSIDRO on beat # 712.
BLVD

Officer(s) (Name, ID & Unit #) MATTHEW HERKELMAN # 7292 (7113),
BRANDON LULL # 7300 (7133) & JEFFREY MCCOY # 7099 (7253)
JEFF KYLE RACK # 7310 (7233)

were dispatched to the scene at 0108 hours. Officer(s) RACK (7233), HERKELMAN
was/were the first officer(s) on the scene. ✓ 005 MCCOY (7253) (7113)

The victim has been identified as ALBERTO HERNANDEZ Race H Sex M DOB: 11-28-55
Of (address) [REDACTED]

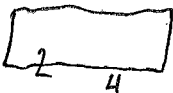
Paramedic Unit # 29 Engine Co. # arrived at the scene at 0129 hours.
Paramedic #1: Name KEVIN VICTOR ID #: 11792
Paramedic #2: Name TOMAS ALCAZAR ID #: 1959
Medical Personnel did the following:

The victim was transported to: MERCY Officer MATTHEW HERKELMAN
ID # 7292 went to the hospital with the victim and is standing by.
The victim was pronounced dead by: Dr. YANG at 0207 hours.

The victim is/was located:
(Describe scene, position of body, wounds if known and possible weapon)

ON LANDING UPPER BODY FACE DOWN ON LANDING (FACING) SOUTH
LOWER BODY ON STAIRS
ARM WAS NEAR HIS KNEE ON LANDING
JEFF MCCOY # 7099 (7253) MARKED ON OUT OF WAY

Initial interviews have revealed the following: (scenario) PER [REDACTED]
S1 HISTORY PSYC ISSUES & NOT TAKING MEDS. CALLED PD TO
BE ARRESTED TONIGHT. TOLD F TO STAY INSIDE WHEN PD QT.
DID NOT KNOW WHAT S1 INTENTIONS WERE



- 1) BRANDON LULL # 7300 2+4 617
- 2) JEFF MCCOY # 7099 4 617
- 3) JONATHAN WELLS # 7319 2-3 617
- 4) DEAN DISAP # 5937 516 229

* 3 WOUNDS
A30 - E 47

SHOTS WERE FIRED @ 0127 HRS

Your priority witnesses are (Name, address, phone # & DOB):

1. [REDACTED]
2. [REDACTED]
3. [REDACTED] HEARD OFFICER COMMANDS TO DROP GUN. 6-7 TIMES.
4. [REDACTED] ASLEEP, WAKES UP TO 2 GUN SHOTS COPS RETURN TO CAR
5. HEARS PEOPLE YELLING "GET DOWN" 5-6 SHOTS, 1 DOWN AT "DROP IT" & "GET BACK INSIDE" HEARD NO. 1 DOWN ON GROUND UP IN DROPPED GUN

The suspect(s) are described as follows:

- #1: _____
- #2: _____
- #3: _____
- #4: _____

The suspect vehicle(s) is described as: _____

Follow Up: (DESCRIBE WHAT STEPS WERE TAKEN TO IDENTIFY AND ARREST SUSPECTS)

N/ [REDACTED] O OSCAR TORRES #6618 (71263) 2 - SPANISH ONLY

N/ GUN : PETER BELANGER #7326 (71263)

Are there any questions?

Time control of the scene was relinquished _____

How may we be of assistance?

JMC 05/99

2 WITNESSES:

[REDACTED] NO PHONE, [REDACTED]

HEARD 3 OFFICERS ~~DOWN~~ OUTSIDE. HEARD ONE OFFICER SAY "SHOOT HIM", HEARD 10 SHOTS.

FIELD SUPERVISORS HOMICIDE CHECKLIST

SCENE MANAGEMENT

1. _____ Scene Containment, Protect Evidence. Insure Scene is large enough.
2. _____ Time Perimeter established. _____
3. _____ Assign Scribe.
4. _____ Identify. Isolate and Interview All Witnesses.
5. _____ Neighborhood Check/Document Witness Search.
6. _____ Record All License Plates/Locations.
7. _____ Attempt to Identify and Apprehend the Suspect.
8. _____ Broadcast ALL UNITS if Necessary
9. _____ Conduct Follow-Up on Information Received
10. _____ Prioritize Witnesses. Know Where Witnesses are Located.
11. _____ Time Scene Released to Homicide _____

OTHER CONSIDERATIONS FOR SUPERVISORS

1. _____ If Victim Transported – Assign an Officer for Dying Declaration.
Collect the Victims clothing/Property and Preserve as Evidence
2. _____ Consider Need for Crisis Intervention/Peer Support
3. _____ Telephone the Watch Commander to Initiate Homicide Call-Out
(Do no use the phone in the scene)
4. _____ Consider the Need for Call-Outs for Other Units
(Gang Detail, Sex Crimes Unit, etc.)
5. _____ Insure that all Entries/Exits on the Perimeter are Secured
6. _____ Conduct Computer Checks on Possible Suspects, Vehicle Plates and the Victim.
Discuss Results in the Briefing.
7. _____ Consider taking a Photograph Upon Entry/Arrival at the Scene.
Do Not Re-Enter the Scene to Take the Photograph
8. _____ Collect an ARJIS 9 from Each Officer Involved in the Incident.
10-17 for all Reports. Headings on all ARJIS 9 Forms.
Insure that All Officer's ID Numbers are Included

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

INVESTIGATIVE FOLLOW UP:
RE: ABLE VIDEO

On September 28th, 2015, at approximately 0200 hours, I received a telephone call from Detective Sergeant Paul CONLEY from Homicide Team IV. Sergeant CONLEY informed me there had been an Officer Involved Shooting at 1170 W. San Ysidro Boulevard. I was instructed to meet with other investigators at the location.

At approximately 0300 hours, I arrived on scene and met with other members of Homicide Team IV which consisted of Detectives Juan CISNEROS #5811, Jonathan DUNGAN #6137, Al LOZANO #4819 and Detective Sergeant Paul CONLEY #4673. Also present was Lieutenant Paul RORRISON #4305 and Captain David NISLEIT #4303 from the homicide unit.

Sergeant Tivanian conducted the briefing and informed us the suspect was identified as Alberto HERNANDEZ. HERNANDEZ was shot after he pointed a gun (later determined to be a replica firearm) at several officers. The three officers who fired their weapons were Officer B. Lull #7300, Officer J. McCoy #7099, and Officer J. Wells #7319. Alberto HERNANDEZ was transported to Mercy Hospital, but was pronounced deceased at 0207 hours. The briefing ended at 0339 hours, and Homicide Team IV took over the investigation.

Following the briefing, Sergeant CONLEY assigned myself, Detective Al LOZANO, CSS Ally SOUTHERLAND and CSS Intern Emilia CASTANEDA #0284 to process the crime scene. Criminalist Steve CORDES #8328 was also present and assisted in the investigation.

During the walk-through with Acting Sergeant BISHOP, I learned ABLE was overhead at the time of the shooting. On September 28th, 2015 at approximately 1010 hours, I called the ABLE base and spoke with Officer P. CADY. Officer CADY advised me a video of the shooting incident had been recorded and downloaded, along with a report from the Officers flying ABLE, Officer T. GONZALEZ #5542 (TFO) and Officer J. WAGGAMAN #6031 (PIC).

On September 28th, 2015 at approximately 1500 hours, I went to the ABLE base and picked up the video and report.

On September 29th, 2015 at 0700 hours, I reviewed the video.

This is the sequence of events and times on the video:

09/28/2015 at 0120:03: Video starts as ABLE flies towards the scene.
09/28/2015 at 0122:38: ABLE on scene.
09/28/2015 at 0122:49: ABLE asks for clarification of what floor apartment is on. 725J3 (MCCOY) clarifies by shining a light that apartment is upstairs.
09/28/2015 at 0124:23: Apartment below suspect apartment is evacuated.
09/28/2015 at 0125:33: Apartment door to number [REDACTED] opens.
09/28/2015 at 0126:21: Apartment door to number [REDACTED] closes and immediately opens again.
09/28/2015 at 0126:24: Alberto HERNANDEZ is seen standing at door with it slightly opened. 726S3 (BISHOP) states he coming out right now.
09/28/2015 at 0126:32: Alberto HERNANDEZ steps out of apartment and with a gun in his right hand pointing out towards parking lot/Officers. Then goes to the railing for a moment, still pointing gun.
09/28/2015 at 0126:37: Alberto HERNANDEZ starts going down the steps, still pointing gun at Officer's.
09/28/2015 at 0126:46: Get's to landing (mid staircase) still pointing gun at Officer's.
09/28/2015 at 0126:51: Get's to first step below landing and with two hands appears to aim at Officer MCCOY. Shots fired at this time.
09/28/2015 at 0126:54: Alberto HERNANDEZ collapses on staircase.
09/28/2015 at 0127:01: Alberto HERNANDEZ slips a step further down staircase.
09/28/2015 at 0127:04: Door to Apartment [REDACTED] opens.
09/28/2015 at 0127:17: Officer HERKELMAN goes into apartment [REDACTED] after seen ducking/lying on ground in front of apartment [REDACTED]
09/28/2015 at 0127:57: HERKELMAN gives a Code-4 inside apartment [REDACTED]
09/28/2015 at 0128:10: Alberto HERNANDEZ' gun pushed away by Officer onto ground (bark area around staircase).
09/28/2015 at 0128:17: 726S3 advised medics are clear to come in.
09/28/2015 at 0128:28: Suspect handcuffed.
09/28/2015 at 0129:05: Units go up to apartment to make contact with female (who kept opening the door after the shooting).
09/28/2015 at 0130:28: Video recording ends.

I impounded a copy of the ABLE video under Barcode #10539135.

Reporting Detective K. COLLIER I.D. 5537 Homicide Team: IV
Approved by: Sergeant P.D. Conley #4673 Date of this report: 10/06/15 Time: 1245

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

INVESTIGATIVE FOLLOW UP:

RE: Body Worn Cameras

On September 28, 2015, at 0200 hours, I was off-duty when Sergeant Conley #4673 notified me of a callout. Sergeant Conley directed me to respond to 1170 W. San Ysidro Boulevard to assist with the investigation of an officer involved shooting.

I arrived at the location at approximately 0259 hours and met with Lieutenant Rorrison #4305, and the other members of Homicide Team IV. The Homicide Team consisted of Sergeant Conley, Detectives Cisneros #5811, Lozano #4819, Collier #5537, and myself. Sergeant C. Tivanian #5871 conducted the briefing at 0317 hours. Sergeant Tivanian informed us the suspect, identified as Alberto Hernandez, was shot after he pointed a gun (later determined to be a replica firearm) at several officers. The three officers who fired their weapons were Officer B. Lull #7300, Officer J. McCoy #7099, and Officer J. Wells #7319. Alberto Hernandez was transported to Mercy Hospital, but was pronounced deceased at 0207 hours. The briefing ended at 0339 hours, and Homicide Team IV took over the investigation.

After the briefing, Sergeant Conley directed me to interview several potential witnesses. After interviewing several witnesses, Sergeant Conley directed me to meet him at Headquarters to assist with the downloading of the involved officers body worn cameras (BWC).

Upon my arrival at Headquarters, I asked Acting Sergeant Bishop and Officers McCoy and Lull for their BWC equipment. They had each recorded one video related to this incident. I uploaded the three videos to the Evidence.com database. I downloaded the videos to the homicide database so each officer could watch their video prior to being interviewed by Sergeant Conley and Lieutenant Rorrison.

I then used the search function within Evidence.com to locate any additional BWC videos that had been uploaded by other officers at the scene. I located seven additional videos, uploaded by four other officers (Officers Campfield, Herkelman, Rack and Torres) who were involved in the incident but did not fire their weapons.

Investigator's Report
Case #15-042053 & 042057
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I downloaded all of the BWC videos to a DVD and impounded it on barcode 10537041 in the SDPD Property Room.

Reporting Detective J. Dungan I.D. 6137 Homicide Team: IV
Approved by: Sergeant P.D. Conley #4673 Date of this report: 10/01/15 Time: 0930

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: OIS/Special Investigation – SDPD Case #15-042053
417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

INVESTIGATIVE FOLLOW UP:

RE: Consent search of 1170 W. San Ysidro Boulevard [REDACTED]

On September 28, 2015, at 0200 hours, I was off-duty when Sergeant Conley #4673 notified me of a callout. Sergeant Conley directed me to respond to 1170 W. San Ysidro Boulevard to assist with the investigation of an officer involved shooting.

I arrived at the location at approximately 0259 hours and met with Lieutenant Rorrison #4305, and the other members of Homicide Team IV. The Homicide Team consisted of Sergeant Conley, Detectives Cisneros #5811, Lozano #4819, Collier #5537, and myself. Sergeant C. Tivanian #5871 conducted the briefing at 0317 hours. Sergeant Tivanian informed us the suspect, identified as Alberto Hernandez, was shot after he pointed a gun (later determined to be a replica firearm) at several officers. The three officers who fired their weapons were Officer B. Lull #7300, Officer J. McCoy #7099, and Officer J. Wells #7319. Alberto Hernandez was transported to Mercy Hospital, but was pronounced deceased at 0207 hours. The briefing ended at 0339 hours, and Homicide Team IV took over the investigation.

After the briefing, Sergeant Conley assigned me to interview several witnesses. After I completed the interviews, he directed me to meet Detective Cisneros in the victim's [REDACTED]. Sergeant Conley informed me the victim's [REDACTED] had given consent to search their apartment. The consent was limited and [REDACTED] did not want us to take photographs while inside her apartment.

At approximately 0520 hours, Crime Scene Specialist (CSS) Ally Southerland #8841 and I went into the apartment. Detective Cisneros continued to interview [REDACTED] and CSS Southerland and I searched the apartment for potential evidence. During the search, I noticed four empty Coors Light beer cans in the kitchen trash can. The cans in the trashcan were not cold to the touch. There was a twelve pack of Coors Light in the refrigerator with six closed/full cans still in the box. These items were not collected.

[REDACTED]

Investigator's Report

Consent search of Hernandez's [REDACTED]

Case #15-042053

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[REDACTED]

I looked at the computer in Alberto Hernandez's [REDACTED]. There were no recent internet searches, and no recently saved documents on the computer. The bedroom was neat and tidy, and I did not locate any additional evidence or contraband.

At 0553 hours, I completed the search of the apartment and I carried the [REDACTED] we collected from the apartment to CSS Southerland's van and secured them there. CSS Southerland impounded the [REDACTED]

Reporting Detective J. Dungan

I.D. 6137

Homicide Team: IV

Approved by: Sergeant P.D. Conley #4673

Date of this report: 10/01/15

Time: 0750

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: OIS/Special Investigation – SDPD Case #15-042053
417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

OFFICER PROCESSING:

On September 28, 2015, I arrived at work in the Homicide office at 0700 hours and was asked by Detective Sergeant Paul Conley # 4673 to assist with officer processing in an officer involved shooting investigation being conducted by Homicide Team IV. I facilitated Homicide Team IV by escorting all four officers to the processing room one by one and documenting the collection of their duty weapons.

The first officer I escorted to the processing room was Acting Sergeant Dean Bishop #5937 where I met Crime Scene Specialist Katie Boyd # 8260. 0754 hours, Crime Scene Specialist Boyd took photographs of Acting Sergeant Bishop, his uniform and his equipment. At 0757 hours, Crime Scene Specialist Boyd collected Acting Sergeant Bishop's Sig Sauer P229, Serial number [REDACTED] for processing at a later date.

The second officer I escorted to the processing room was Officer Jonathan Wells #7319. At 0802 hours, Crime Scene Specialist Boyd took photographs of Officer Wells, his uniform and his equipment. At 0805 hours, Crime Scene Specialist Boyd collected Officer Wells Glock 17 (Gen 4), Serial number [REDACTED] for processing at a later date.

The third officer I escorted to the processing room was Officer Brandon Lull #7300. At 0808 hours, Crime Scene Specialist Boyd took photographs of Officer Lull, his uniform and his equipment. At 0812 hours, Crime Scene Specialist Boyd collected Officer Lull's Glock 17 (Gen 4), Serial number [REDACTED] for processing at a later date.

The fourth officer I escorted to the processing room was Officer Jeffrey McCoy #7099. At 0847 hours, Crime Scene Specialist Boyd took photographs of Officer McCoy, his uniform and his equipment. At 0849 hours, Crime Scene Specialist Boyd collected Officer McCoy's Glock 17 (Gen 4), Serial number [REDACTED] for processing at a later date.

After the processing, all four officers were provided replacement weapons.

Reporting Detective John Reif I.D. 5095 Homicide Team: II
Approved by: Sergeant P.D. Conley #4673 Date of this report: 09-30-2015 Time: 1500 hours

09/28/15 14:43:53 PRINT REQUESTED BY TERMINAL TAPR

Incident History for: #P15090056613

Case Numbers: \$PR150042057

Received 09/28/15 01:04:35 BY CT20 8553
Entered 09/28/15 01:06:12 BY CT20 8553
Dispatched 09/28/15 01:08:42 BY RC07 8220
Enroute 09/28/15 01:09:24
Onscene 09/28/15 01:15:27
Closed 09/28/15 14:29:36

Initial Type: 911

Final Type: 1088 (REQUEST FOR COVER) Pri: 1 Dispo: R

Police BLK: 1011100200700 FMap: 328K8 TMap: 1350D2 Group: P7

Beat: 712 Src: 9 Inc Cmdr:

Loc: 1170 W SAN YSIDRO BL [REDACTED] btwn HOWARD SB AV & VIA SUSPIRO

Loc Info:

Name: MALE

Addr: 1170 W SAN YSIDRO BL [REDACTED] Phone: [REDACTED]

/0106 (8553) NBRHD
/0106 ENTRY

San Ysidro

RP DIFFICULT TO UNDERSTAND // MAY HAVE SPEECH IMP
EDIMENT// SAYS HE NEEDS POLICE // TRYING FOR FURT
HER // MORE

/0106 (8220) HOLD
/0107 (8553) SUPP

TXT: RP SAYING "I WANT TO SHOOT HER" // NOT ANSWER
RING QUESTIONS// CAN HEAR FE M IN THE BACKGROUND/
/ RP HU// ATTEMPT CB //CT20

/0108 SUPP

TXT: ALI SHOWS THIS AS THE [REDACTED] RESD
// LVM ON CB//CT20

/0108 (8220) DISP 723J3

#7310 RACK, KYLE W

/0108 ASST 711J3

#7292 HERKELMAN, MATTHEW W

/0109 (7310) *ENROUT 723J3

/0109 (7292) *ENROUT 711J3

/0110 (8220) ASST 725J3

[1170 W SAN YSIDRO BL [REDACTED]

#7099 MCCOY, JEFFREY M

/0110 (7099) *ENROUT 725J3

/0113 (8553) SUPP

[REDACTED]

/0115 (7310) *ONSCNE 723J3

/0115 (7292) *ONSCNE 711J3

/0115 (7099) *ONSCNE 725J3

/0117 (8220) MISC 725J3

/0117 ASST 726S3

, MALE HAD A GUN IN HIS HAND

[1170 W SAN YSIDRO BL [REDACTED]

#5937 BISHOP, DEAN

/0117 MISC 725J3

, MALE SHUT THE DOOR

/0118 ASST 2907N3

[1170 W SAN YSIDRO BL [REDACTED]

#6432 GOEBEL, JON

/0118 ASST 713J3

[1170 W SAN YSIDRO BL [REDACTED]

#7300 LULL, BRANDON K

/0118 (8912) MMISC

, ((09/28/15 01:18:06 TO LDET, RC09 FROM LD01:MALE
CAME TO THE DOOR WITH A GUN IN HIS HAND, THEN HE
SHUT THE DOOR))

/0118 (8220) ASSTER ABLE3

[1170 W SAN YSIDRO BL [REDACTED]

#6031 WAGGAMAN, JOSEPH T

#5542 GONZALEZ, TRISTAN

/0118 (7300) *ENROUT 713J3

/0119 (8220) MISC ABLE3

, SOME MARINE LAYER , WILL SEE IF THEY CAN MAKE IT

/0119 MISC 725J3 , CAN HEAR THE MALE LOCKING THE FRONT DOOR
 /0119 ASST 722J3 [1170 W SAN YSIDRO BL [REDACTED]
 #7319 WELLS, JONATHAN A
 /0119 (7319) *ENROUT 722J3
 (/0120 (5937) *ONSCNE 726S3
 /0120 (8220) ONSCNE 726S3
 /0121 MISC 725J3 , MALE KEEPS OPENING THE DOOR AND POINTING THE GU
 N AT THE DOOR
 /0121 EMER 725J3 ,Tone Activated
 /0121 ASST L5 [1170 W SAN YSIDRO BL [REDACTED]
 #5986 SHARKI, ADAM T
 /0122 MISC 726S3 , JUST KEEPS OPENING THE DOOR AND CLOSING IT , ST
 ILL HAS THE GUN // GUN IS SEMI AUTO
 /0122 ASST 2942N3 [1170 W SAN YSIDRO BL [REDACTED]
 #5179 MARCINIAK, CHARLES D
 /0122 ASST 712G3 [1170 W SAN YSIDRO BL [REDACTED]
 #7326 BELANGER, PETER R
 #6618 TORRES, OSCAR
 /0122 ASST 2980S3 [1170 W SAN YSIDRO BL [REDACTED]
 #5273 GAPUSAN, GERRY D
 /0122 (5179) *ENROUT 2942N3
 /0122 (8220) ONSCNE ABLE3
 /0122 MISC 725J3 , SECOND FLOOR UNIT
 /0122 MISC ABLE3 , HAS THE LIGHT
 /0123 (7326) *ONSCNE 712G3
 /0124 (8220) MISC 725J3 , EVACUATING [REDACTED]
 DOWNSTAIRS APT FROM [REDACTED]
 /0124 (7300) *ONSCNE 713J3
 /0124 (8220) ASST 446S3 [1170 W SAN YSIDRO BL [REDACTED]
 #5871 TIVANIAN, CHRIS
 /0124 (7300) *ONSCNE 713J3
 /0124 (8220) ASST 444J3 [1170 W SAN YSIDRO BL [REDACTED]
 #5957 LACANGAN, EDWIN C
 /0125 ASST 442K3 [1170 W SAN YSIDRO BL [REDACTED]
 #6037 CAMPFIELD, GORDON
 #5999 CORTEZ, JOHN
 /0125 (5957) *ENROUT 444J3
 /0125 (8220) MISC 726S3 , APT COMPLEX
 /0125 (6037) *ENROUT 442K3
 /0125 (8220) MISC 725J3 , DID SEE ONE FEM INSIDE ** [REDACTED]
 [REDACTED]
 /0126 MISC 726S3 , DOOR IS OPEN RIGHT NOW
 /0126 MISC 726S3 , MALE COMING OUT**
 /0126 MISC ABLE3 , MALE AT THE TOP OF THE STAIRS
 /0126 MISC ABLE3 , MALE AT GUNPOINT
 /0127 MISC 725J3 , SHOTS FIRED **
 /0127 MISC ABLE3 , SUSP IS DOWN ON THE STAIRS
 /0127 MISC ABLE3 , FEM CAME OUTSIDE
 /0128 OK 711J3 , INSIDE THE APT W/THE [REDACTED]
 /0128 (8912) CHANGE ,MEDICS 10 4, STAND BACK // LD01/SLMARTIN
 /0128 (8220) MISC ABLE3 , FEM IS BY THE OPEN DOOR
 /0128 MISC ABLE3 , UNITS APPROACHING SUSP
 /0128 MISC ABLE3 , TAKING ONE INTO CUSTODY
 /0128 MISC ABLE3 , DOOR IS JUST AJAR
 /0128 (6037) *ONSCNE 442K3
 129 (8587) MISC , 01:29:06 TO PHONE FROM LD02:
 /0129 (8912) MMISC ,MEDICS CLEARED IN // LD01/SLMARTIN
 /0129 MMISC ,WATCH COMMANDER WAS ADVISED VIA LANDLINE // LD01
 /SLMARTIN
 /0129 (8220) MISC ABLE3 , UNITS ARE CLEARING THE UPSTAIRS APT

/0129 MISC 712G3 , APT IS CLEAR C4
 /0130 MISC 726S3 , NO OFFICERS ARE INJURED ****
 /0131 MISC 725J3 , APT [REDACTED] NEXT TO [REDACTED] IS CLEAR NO INJURIES
 /0131 MISC ABLE3 , WILL BE CLEARING FOR WEATHER
 (/0132 MISC 726S3 , DROPPING THE TONE
 /0133 MISC 723J3 , BACKSIDE OF APT [REDACTED] AND [REDACTED] ARE CLEAR, WILL BE CH
 ECKING ON APTS [REDACTED] AND [REDACTED]
 /0132? (8118) SUPP NAM: [REDACTED]
 ADR: [REDACTED]
 PHO: [REDACTED]
 TXT: CHP XFER//5 SHOTS HEARD//NFD//CT09 D53
 /0133 (8220) MISC 722J3 , APT [REDACTED] IN THE REAR CHECKS OK
 /0133 (5179) *ONSCNE 2942N3
 /0134 (8220) MISC 723J3 , NO RESPONSE AT [REDACTED] BUT DOG BARKING INSIDE
 /0134 CLEAR ABLE3
 /0134 (5957) *ONSCNE 444J3
 /0134 *ONSCNE 444J3
 /0135 (8220) MISC 2980S3 , NEED 3 PEER SUPPORT
 /0138 (8587) ASST 114J3 [1170 W SAN YSIDRO BL [REDACTED]
 #6677 WHIPPLE, TRAVIS
 , PEER SUPPORT
 /0138 (6677) *ENROUT 114J3
 /0139 (8220) MMISC , PER ABLE3, THE INC WAS RECORDED
 /0140 ASST 724J3 [1170 W SAN YSIDRO BL [REDACTED]
 #7283 CASSIDY, BRIAN C
 /0141 (7283) *ENROUT 724J3
 /0143 (8220) ONSCNE L5
 /0143 (8912) MMISC , COMM PDA CAHILL ADV'D VIA TEXT AT 0131 // LD01/
 SLMARTIN
 /0143 (8587) MISC 2942N3 , **PEER SUPPORT**
 /0144 (6677) *MISC 114J3 , ** PEER SUPPORT **
 /0144 (8220) MMISC , PER FIRE, MED 29 TO MERCY
 /0145 MISC 723J3 , MEDIA 97
 /0145 MISC 726S3 , MEDIA AT HOWARD /WSY
 /0146 (8587) MISC , 01:46:08 TO LDET FROM LD02:09/28/15 01:46:03 TO
 LD01 FROM RC07:MEDIA 97
 /0148 (8220) CHGLOC 711J3 [4077 05TH AV]
 /0150 (7283) *ONSCNE 724J3
 /0155 (8220) CHGLOC 2907N3 [1120 27TH SB ST]
 /0156 CHGLOC 722J3 [1120 27TH SB ST]
 /0156 ASSTER 1602L [1170 W SAN YSIDRO BL [REDACTED]
 #4305 RORRISON, PAUL R
 /0157 (5179) *ONSCNE 2942N3
 /0158 (6432) *ONSCNE 2907N3
 /0201 (0000) *MISC , ABLE TAPE NUMBER IS 3757
 /0201 (6677) *ONSCNE 114J3
 /0202 (5273) *CHGLOC 2980S3 [SOUTHERN SUB]
 , W/713J
 /0202 *ONSCNE 2980S3
 /0202 (8220) ASST 315K3 [1170 W SAN YSIDRO BL [REDACTED]
 #6523 COOPER, ERIC
 #6852 HARVEY, ANTHONY B
 /0202 (5179) *CHGLOC 2942N3 [SOUTHERN DIVISION]
 , W/OFFICERS INVOLVED X3
 /0203 *ONSCNE 2942N3
 /0206 (6523) *ONSCNE 315K3
 /0208 (8912) ASSTER HOM4
 /0208 (8657) ASSTER 1600C [1170 W SAN YSIDRO BL [REDACTED]
 #4303 NISLEIT, DAVID S
 /0210 (8220) \$PREMPT 315K3

/0212 ASSTOS 721J1 [1170 W SAN YSIDRO BL [REDACTED]
 #7220 MILES, KATHERINE L
 /0216 \$PREMPT 2907N3
 /0223 (7292) *ONSCNE 711J3
 (/0233 (8587) CALLBK 446S3 , CT03, PLS.09/28/15 02:33:31 TO RC07 FROM 446S3:
 WHAT HOSPITAL AND MEDIC UNITS PLEASE....NAMES/ID
 OF MEDICS ALSO PLZ
 /0239 (8813) SUPP TXT: CB FIRE DISP// HOSP IS MERCY// MEDIC 29 : KE
 VIN VICTOR #KV5524 ; TOMAS ALCANAR #TA3828 //CT03
 /0240 (8587) ASST 720L [1170 W SAN YSIDRO BL [REDACTED]
 #4886 SERVIN, ERNESTO
 /0240 (6677) *CHGLOC 114J3 [SOUTHERN SUB]
 , W/ 726S3
 /0245 (8220) ASSTOS 700C [1170 W SAN YSIDRO BL [REDACTED]
 #3861 MC MANUS, JEROME R
 /0306 (4886) *ONSCNE 720L
 /0307 *CHGLOC 720L [1120 27TH]
 /0328 (8220) CLEAR 700C
 /0328 ASSTOS 700C #4709 TAI, RUDOLPH G
 /0419 MISC 446S3 , A9S GO TO OFFICER RACK/723J IS THE SCRIBE AND IS
 ON THE SOUTH SIDE OF THE SCENE
 /0428 (5986) *CLEAR L5
 /0446 (5273) *CLEAR 2980S3
 /0459 (8220) CALLBK 446S3 , PLS ADV MTS OF ALTERNATE ROUTE// MTS BUS HAS BE
 EN TURNED AROUND AT THE SCENE// THEY CAN GO TO WS
 Y TO HOWARD AND THEN TAKE 1800 HOWARD
 /0504 (8130) SUPP TXT: CALLED [REDACTED] AT [REDACTED] VOICEMAIL ONLY ME
 SSAGE LEFT CT02 8130
 /0528 (8912) CHANGE TYP: 911
 ---> 1088
 RSP: PP
 ---> PP
 PRI: 1
 ---> 1
 /0530 (4886) *CLEAR 720L
 /0533 (8766) CHGLOC 724J3 [1120 27TH SB ST]
 /0536 (7283) *ONSCNE 724J3
 /0543 (8766) ASST 451J1 [1170 W SAN YSIDRO BL [REDACTED]
 #7203 DOWNING, BENJAMIN D
 /0544 (7203) *ENROUT 451J1
 /0544 *CLEAR 451J1
 /0552 (8766) ASST 722J1 [1170 W SAN YSIDRO BL [REDACTED]
 #6966 SMITH, ANDREW
 /0552 (6966) *ENROUT 722J1
 /0559 (8766) ASST 721B1 #7084 BRANTLEY, GENE P
 /0559 (7084) *ENROUT 721B1
 /0603 *ONSCNE 721B1
 /0603 (6966) *ONSCNE 722J1
 /0605 (8766) ASSTOS 714J1 [1170 W SAN YSIDRO BL [REDACTED]
 #7081 ABOT, JOSHUA B
 /0610 (5957) *CLEAR 444J3
 /0619 (8766) ASST 723K1 [1170 W SAN YSIDRO BL [REDACTED]
 #7109 TELLO, ANTHONY R
 #6962 ESTRADA, AMANDA
 /0619 (7109) *ENROUT 723K1
 (/0619 *CLEAR 723K1
 /0621 (8766) ASST 723K1 #7109 TELLO, ANTHONY R
 #6962 ESTRADA, AMANDA
 /0622 (7109) *ENROUT 723K1
 /0627 (6037) *CLEAR 442K3

/0629 (7109) *ONSCNE 723K1
 /0638 (7220) *CLEAR 721J1
 /0645 (7310) *CLEAR 723J3
 /0647 (5871) *CLEAR 446S3
 /0653 (7283) *CLEAR 724J3
 /0659 (7326) *CLEAR 712G3
 /0731 (8514) ONSCNE 722J3 , TIME INCORRECT
 /0731 ONSCNE HOM4 , TIME INCORRECT
 /0732 ONSCNE 1600C , TIME INCORRECT
 /0732 ONSCNE 1602L , TIME INCORRECT
 /0739 ASSTOS 712S1 [1170 W SAN YSIDRO BL [REDACTED]
 #5638 SAINSANNOY, LEM
 /0739 MMISC 712S1 , WAS 97 AT 0600
 /0751 (7292) *CHGLOC 711J3 [SUB]
 , PPR
 /0810 *ONSCNE 711J3
 /0901 *CLEAR 711J3
 /0909 (8766) CALLBK 712S1 , LD01, PLEASE HAVE HARMONY RESPOND TO HOWARD SB A
 V/W SAN YSIDRO BL FOR 2 FOOT X 2 FOOT AREA
 /0913 (8759) NEWLOC 114J3 [1401 BROADWAY]
 /0914 (8108) SUPP TXT: HARMONY ENVIRONMENTAL 10-4, ETA ABOUT 15 MIN
 //LD01 DLB
 /0936 (7300) *CLEAR 713J3
 /0950 (8766) ONSCNE 721B1 , HARMONY ENVIRONMENTAL 97
 /0955 PREMPT 725J3
 /0959 (7109) *CLEAR 723K1
 /1002 (8766) PREMPT 722J3
 /1011 (6966) *CLEAR 722J1
 /1028 (8759) MISC 714J1 , HARMONY ENVIRONMENTAL CLEAN UP IS 97
 /1044 (7084) *CLEAR 721B1
 /1059 (7081) *CHGLOC 714J1 [SUB]
 /1103 *ONSCNE 714J1
 /1107 (5179) *CLEAR 2942N3
 /1113 (8486) MISC 114J3 , **STILL HERE **
 /1115 (8992) ASNCAS \$PR150042053
 /1115 (6677) *CLEAR 114J3
 /1130 (7081) *CLEAR 714J1
 /1131 (8760) ASNCAS \$PR150042057
 /1134 (8759) ASSTOS 722J1 #6966 SMITH, ANDREW
 /1135 (6966) *CHGLOC 722J1 [SUB]
 /1139 *ONSCNE 722J1
 /1229 *CLEAR 722J1
 /1407 (8613) \$PREMPT 712S1
 /1418 (8759) NEWLOC 726S3 [1120 27TH SB ST]
 /1426 CLEAR 700C
 /1429 CLEAR 726S3
 /1429 CLEAR HOM4 D/R
 /1429 CLEAR 1600C D/R
 /1429 CLEAR 1602L D/R
 /1429 CLOSE 1602L D/R

San Diego Police Department: Case Cancellation

Type of

981000
ZZ

Crime/Incident

Case #

15042053

Victim

Mccoy, Jeffrey

Case Part of Series

☐

Occurrence Date

09/28/2015

(Leave blank if no series)

Type of Cancellation

Exceptional: Other (such as subject is dead)

Additional Arrests

☐

Disposition

Charge Level

Persons Arrested

Last

First

Middle

Date

Booking Number

Detective Arrest

☐

Patrol Arrest

☐

Charged

☐

Not Charged

☐

Property Recovered

None

☐

Partial

☐

Value Recovered

Full

☐

Was ARJIS-4 Completed

Yes

☐

No

☐

Investigator:

4673 -Conley, Paul D

Date

04/07/2016

Approved By:

4673 - Conley, Paul

Date

09/16/2016

List Additional Cases to Be Cancelled:

Narrative:

Please see McCoy OIS book for details

4. ✓ #4997 11/21/17

San Diego Police Department: Case Cancellation

Type of Crime/Incident	<div style="border: 1px solid black; padding: 2px; display: inline-block;">417.4 PC</div>			
Case #	15042057		Victim	<div style="background-color: black; width: 100px; height: 1.2em;"></div>
Case Part of Series <small>(Leave blank if no series)</small>	<input type="checkbox"/>		Occurrence Date	09/28/2015
Type of Cancellation Disposition Charge Level	Exceptional: Other (such as subject is dead)			Additional Arrests <input type="checkbox"/>
<hr/>				
Persons Arrested	First	Middle	Date	Booking Number
Last				
<hr/>				
<hr/>				
<hr/>				
Detective Arrest	<input type="checkbox"/>	Patrol Arrest	<input type="checkbox"/>	Charged <input type="checkbox"/> Not Charged <input type="checkbox"/>
Property Recovered				
None	<input type="checkbox"/>			
Partial	<input type="checkbox"/>	Value Recovered		
Full	<input type="checkbox"/>	Was ARJIS-4 Completed	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<hr/>				
Investigator:	Date	Approved By:	Date	
4673 -Conley, Paul D	04/07/2016	4673 - Conley, Paul	09/16/2016	
<hr/>				
<u>List Additional Cases to Be Cancelled:</u>				
<div style="text-align: right;"><div style="background-color: black; width: 100px; height: 1.2em; display: inline-block;"></div> 11/21/17</div>				
<hr/>				
<u>Narrative:</u>				
Please see OIS Homicide book for details				
<hr/>				

**SAN DIEGO POLICE DEPARTMENT
OFFICER INVOLVED INCIDENT**

Case Review

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: OIS/Special Investigation – SDPD Case #15-042053
417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathan, ID #7319
Officer #3: LULL, Brandon, ID #7300

INJURED/DECEASED: HERNANDEZ, Alberto (Suspect)

OFFICER/AGENT(S): McCOY, Jeffrey ID#7099 (SDPD)

WELLS, Jonathan ID#7319 (SDPD)

LULL, Brandon ID#7300 (SDPD)

REVIEWED BY:

[REDACTED]
✓ Sergeant, Homicide Section

[REDACTED] 301
Lieutenant, Homicide Section

[REDACTED]
Captain, Investigations II

[REDACTED]
Assistant Chief, Centralized Investigations

10-13-15
Date

10/29/15
Date

11-2-15
Date

11-4-15
Date

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT				1 of 2 PAGE 1 of 2	INCIDENT NUMBER 15090056613
CRIME REPORT				CASE NUMBER 15042057	
BEAT 712	RELATED RPT #S	DATE 09/28/2015 - 09/28/2015	DAY OF WEEK Monday - Monday	TIME 01:04 - 02:07	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
CODE SECTION AND DESCRIPTION PC / 417.4 / BRANISH FIREARM REPLICA					
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]				CITY SAN DIEGO	

VICTIM / WITNESS									
V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) McCoy, Jeffrey							
RESIDENCE ADDRESS		CITY			STATE			ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT WORK PHONE [REDACTED]									
ID SD 7099									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST		CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Wells, Jonathan							
RESIDENCE ADDRESS		CITY			STATE			ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT WORK PHONE [REDACTED]									
ID SD 7319									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST		CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Lull, Brandon							
RESIDENCE ADDRESS		CITY			STATE			ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT WORK PHONE [REDACTED]									
ID SD 7300									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST		CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 16:33
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(Revised 09/2013 Electronic)

CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

2 of 2

PAGE

1 of 1

INCIDENT NUMBER

15090056613

CASE NUMBER

15042057

M.O. INFORMATION

TOTAL # OF WITNESSES AT CRIME 0	PLACE OF ATTACK 1. Structure	SURROUNDING AREA 2. Business
TYPE OF STRUCTURE RESIDENTIAL 1. APARTMENT/CONDO		
TARGET(S) 13. Other:		
POINT OF ENTRY 0. N/A		
SECURITY USED 0. N/A		
TYPE LOCK ATTACKED 0. N/A		
SUSPECT ACTIONS 60. Other: Pointed replica firearm at Officers		
VICTIM INJURED	EXTENT OF TREATMENT	SIC No ADULT

SUSPECT(S)

ARRESTED N	SUSPECT NAME (LAST, FIRST MIDDLE) Hernandez, Alberto				NICKNAME/AKA			
RACE H	SEX M	AGE 59	DOB 11/28/1955	HEIGHT 5'08" -	WEIGHT 190 -	BUILD FAT -	HAIR COLOR BRO	EYE COLOR BRO
SUSPECT'S ADDRESS [REDACTED]				CITY SAN DIEGO	STATE CA	ZIP 92173		
ID [REDACTED]								
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)								
SUSPECT'S CLOTHING								
HAIR LENGTH/TYPE SHORT 4. THINNING	HAIR STYLE 1. AFRO/NATURAL	FACIAL HAIR 1. CLEAN SHAVEN	COMPLEXION 5. MEDIUM	GENERAL APPEARANCE 1. CASUAL	DEMEANOR 5. IRRATIONAL	SPEECH 0. UNKNOWN	VOICE 0. UNKNOWN	

EVIDENCE

EVIDENCE OBTAINED	TAG NUMBERS
	None
WITNESS CHECK	

See Evidence Collection Section for Details

OFFICER ASSAULT (OAK)

VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

ARSON

ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$	ABANDONED
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REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 16:33
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(Revised 09/2013 Electronic)

San Diego Police Department: Case Cancellation

Type of

417.4
PC

Crime/Incident

Case #

15042057

Victim

Case Part of Series

☐

Occurrence Date

09/28/2015

(Leave blank if no series)

Type of Cancellation

Exceptional: Other (such as subject is dead)

Additional Arrests

☐

Disposition

Charge Level

Persons Arrested

Last

First

Middle

Date

Booking Number

Detective Arrest

☐

Patrol Arrest

☐

Charged

☐

Not Charged

☐

Property Recovered

None

☐

Partial

☐

Value Recovered

Full

☐

Was ARJIS-4 Completed

Yes

☐

No

☐

Investigator:

Date

Approved By:

Date

4673 -Conley, Paul D

04/07/2016

4673 - Conley, Paul

04/07/2016

List Additional Cases to Be Cancelled:

Narrative:

Please see OIS Homicide book for details

Case #15-042057 Documents		SDPD CRMS
Summary	Title	Description
Assignment History	<input type="checkbox"/> Crime Report	Victim: [REDACTED] Crime Code: PC 417.4 Beat: 712 Reporting Officer: 5811 CISNEROS, JUAN Report Date: 09/29/2015
Persons	<input type="checkbox"/> Cancellation Report	Cancellation Status: Cancelled Cancellation Reason: Exceptional: Other (such as subject is dead) Investigating Officer: 4673 CONLEY, PAUL D Report Date: 04/07/2016
Documents		
Related Reports		
Change of Crime Code		
Cancel / Follow-Up		
Reassignment		
Add Document		
<input type="button" value="View Selected"/>		<input type="button" value="View Selected (for Wireless)"/>

Case #15-042057 Assignment History		SOPD CRMS	
ROUTING/TRANSFER			
Division/Unit	Type	Date Time	Transferred By
SouthernInvestigations710	Initial Routing	10/07/2015 08:20	
AssignmentHomicide	Transfer	10/08/2015 09:34	4917-ASBELL, CHRISTOPHER T
ASSIGNMENTS			
Start Date/Time	End Date/Time	Assigned To	Assigned By
10/19/2015 07:51	10/19/2015 07:51	4673 - CONLEY, PAUL D	4673 - CONLEY, PAUL D
10/19/2015 07:51	10/19/2015 07:52	4673 - CONLEY, PAUL D	4673 - CONLEY, PAUL D
10/19/2015 07:52	04/06/2016 09:52	4673 - CONLEY, PAUL D	4673 - CONLEY, PAUL D
04/06/2016 09:52	04/07/2016 10:36	4673 - CONLEY, PAUL D	4398 - VALENTIN, RAMON

Summary

Assignment History

Persons

Documents

Related Reports

Change of Crime Code

Cancel / Follow-Up

Reassignment

Add Document

SPECIAL INV

SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT

1 of 2

INCIDENT NUMBER

15090056613

PAGE

CASE NUMBER

15042053

CRIME REPORT

BEAT 712	RELATED RPT #S	DATE 09/28/2015 - 09/28/2015	DAY OF WEEK Monday - Monday	TIME 01:04 - 02:07	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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CODE SECTION AND DESCRIPTION

ZZ / 981000 / MISCELLANEOUS INCIDENTS

LOCATION OF INCIDENT (OR ADDRESS)

1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]

CITY

SAN DIEGO

VICTIM / WITNESS

V	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)					
06		Wells, Jonathan					
RESIDENCE ADDRESS		CITY		STATE		ZIP	
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT
W	M						STRNG
CONTACT							
WORK PHONE [REDACTED]							
ID							
SD 7319							
STATUS	EMPLOYER (RANK IF MILITARY)	BUSINESS ADDRESS		CITY		STATE	ZIP
EMP	SDPD Police Officer	1120 27TH ST		SAN DIEGO		CA	92102
ADDITIONAL INFORMATION							

VICTIM / WITNESS

V	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)					
06		Lull, Brandon					
RESIDENCE ADDRESS		CITY		STATE		ZIP	
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT
W	M						STRNG
CONTACT							
WORK PHONE [REDACTED]							
ID							
SD 7300							
STATUS	EMPLOYER (RANK IF MILITARY)	BUSINESS ADDRESS		CITY		STATE	ZIP
EMP	SDPD Police Officer	1120 27TH ST		SAN DIEGO		CA	92102
ADDITIONAL INFORMATION							

VICTIM / WITNESS

V	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)					
06		McCoy, Jeffrey					
RESIDENCE ADDRESS		CITY		STATE		ZIP	
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT
W	M	/ /					ACQT STRNG
CONTACT							
WORK PHONE [REDACTED]							
ID							
SD 7099							
STATUS	EMPLOYER (RANK IF MILITARY)	BUSINESS ADDRESS		CITY		STATE	ZIP
EMP	SDPD Police Officer	1120 27TH ST		SAN DIEGO		CA	92102
ADDITIONAL INFORMATION							

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 15:56
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(Revised 09/2013 Electronic)

Property Recovered

None

☐

Partial

☐

Value Recovered

Full

☐

Was ARJIS-4 Completed

Yes

☐

No

☐

Investigator:

Date

Approved By:

Date

4673 -Conley, Paul D

04/07/2016

4673 - Conley, Paul

04/07/2016

List Additional Cases to Be Cancelled:

Narrative:

Please see McCoy OIS book for details

**SDPD RECORDS
FILE CHECK-OUT**

15-042057

CASE # 15-642057

FILE CHECK-OUT DATE 07/26/16

FILE CHECKED OUT TO: NAME GREG FLOOD

UNIT HOMICIDE

RECORDS CLERK-NAME/ID# 8269

FILE RETURN DATE 8-4-16

SPECIAL INV

SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT

INCIDENT NUMBER 15090056613
CASE NUMBER 15042053
PAGE 1 of 2
TIME 01:04 - 02:07
CITY SAN DIEGO

CRIME REPORT

BEAT 712	RELATED RPT #S	DATE 09/28/2015 - 09/28/2015	DAY OF WEEK Monday - Monday	TIME 01:04 - 02:07	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CODE SECTION AND DESCRIPTION ZZ / 981000 / MISCELLANEOUS INCIDENTS							
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL							
CITY SAN DIEGO							

VICTIM / WITNESS

V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Wells, Jonathan					
RESIDENCE ADDRESS		CITY		STATE		ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG
CONTACT WORK PHONE							
ID SD 7319							
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer	BUSINESS ADDRESS 1120 27TH ST	CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION							

VICTIM / WITNESS

V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Lull, Brandon					
RESIDENCE ADDRESS		CITY		STATE		ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG
CONTACT WORK PHONE							
ID SD 7300							
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer	BUSINESS ADDRESS 1120 27TH ST	CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION							

VICTIM / WITNESS

V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) McCoy, Jeffrey					
RESIDENCE ADDRESS		CITY		STATE		ZIP	
RACE W	SEX M	DATE OF BIRTH / /	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT ACQT STRNG
CONTACT WORK PHONE							
ID SD 7099							
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer	BUSINESS ADDRESS 1120 27TH ST	CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION							

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 15:56
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(Revised 09/2013 Electronic)

CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

2 of 2
PAGE
INCIDENT NUMBER
15090056613
CASE NUMBER
2053

M.O. INFORMATION		
TOTAL # OF WITNESSES AT CRIME 0	PLACE OF ATTACK 1. Structure	SURROUNDING AREA 1. Residential
TYPE OF STRUCTURE RESIDENTIAL 1. APARTMENT/CONDO		
TARGET(S) 13. Other:		
POINT OF ENTRY 0. N/A		
SECURITY USED 0. N/A		
TYPE LOCK ATTACKED 0. N/A		
SUSPECT ACTIONS 60. Other: pointed replica firearm at Officers		
VICTIM INJURED	EXTENT OF TREATMENT	SIC No ADULT

SUSPECT(S)								
ARRESTED N	SUSPECT NAME (LAST, FIRST MIDDLE) Hernandez, Alberto					NICKNAME/AKA		
RACE H	SEX M	AGE 59	DOB 11/28/1955	HEIGHT 5'08" -	WEIGHT 190 -	BUILD FAT -	HAIR COLOR BRO	EYE COLOR BRO
SUSPECT'S ADDRESS						CITY	STATE	ZIP
ID								
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)								
SUSPECT'S CLOTHING								
HAIR LENGTH/TYPE SHORT 4. THINNING	HAIR STYLE 1. AFRO/NATURAL	FACIAL HAIR 1. CLEAN SHAVEN	COMPLEXION 5. MEDIUM	GENERAL APPEARANCE 1. CASUAL	DEMEANOR 5. IRRATIONAL	SPEECH 0. UNKNOWN	VOICE 0. UNKNOWN	

EVIDENCE	
EVIDENCE OBTAINED	TAG NUMBERS
	None
See Evidence Collection Section for Details	
WITNESS CHECK	

OFFICER ASSAULT (OAK)		
VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

ARSON			
ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$
ABANDONED			

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 15:56
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San Diego Police Department: Case Cancellation

Type of

981000
ZZ

Crime/Incident

Case #

15042053

Victim

Mccooy, Jeffrey

Case Part of Series

☐

Occurrence Date

09/28/2015

(Leave blank if no series)

Type of Cancellation

Exceptional: Other (such as subject is dead)

Additional Arrests

☐

Disposition

Charge Level

Persons Arrested

Last

First

Middle

Date

Booking Number

Detective Arrest

☐

Patrol Arrest

☐

Charged

☐

Not Charged

☐

Property Recovered

None

☐

Partial

☐

Value Recovered

Full

☐

Was ARJIS-4 Completed

Yes

☐

No

☐

Investigator:

Date

Approved By:

Date

4673 -Conley, Paul D

04/07/2016

4673 - Conley, Paul

04/07/2016

List Additional Cases to Be Cancelled:

Narrative:

Please see McCoy OIS book for details



Incident #15-090056613

Incident Summary

SDPD
CRMS

Incident Date: 09/28/2015
Incident Location: 1170 W SAN YSIDRO BL San Diego CA
Contacted By: 5811 - CISNEROS, JUAN

Incident Time: 01:04
Beat: 712



Case #15-042053

Victim Name: MCCOY, JEFFREY
Crime Location: 1170 W SAN YSIDRO BL SD CA 92173
Reporting Officer: 5811 - CISNEROS, JUAN
Assigned To: 4673 - CONLEY, PAUL D

DOB:

Occurrence Date: 09/28/2015 09/28/2015
Crime Code: 981000 ZZ



Case #15-042057

Victim Name: [REDACTED]
Crime Location: 1170 W SAN YSIDRO BL [REDACTED] SD CA 92173
Reporting Officer: 5811 - CISNEROS, JUAN
Assigned To: 4673 - CONLEY, PAUL D

DOB:

Occurrence Date: 09/28/2015 09/28/2015
Crime Code: 417.4 PC

Case #15-042053 Documents		SOPD CRMS
Summary	Title	Description
Assignment History	<input type="checkbox"/> Crime Report	Victim: MCCOY, JEFFREY Crime Code: ZZ 981000 Beat: 712 Reporting Officer: 5811 CISNEROS, JUAN Report Date: 09/29/2015
Persons	<input type="checkbox"/> Cancellation Report	Cancellation Status: Cancelled Cancellation Reason: Exceptional: Other (such as subject is dead) Investigating Officer: 4673 CONLEY, PAUL D Report Date: 04/07/2016
Documents		
Related Reports		
Change of Crime Code		
Cancel / Follow-Up		
Reassignment		
Add Document		

Case #15-042053		Assignment History		SDPD CRMS	
ROUTING/TRANSFER					
Division/Unit		Type	Date Time	Transferred By	
AssignmentHomicide		Initial Routing	10/07/2015 09:01		
ASSIGNMENTS					
Start Date/Time		End Date/Time	Assigned To	Assigned By	
10/19/2015 07:50		10/19/2015 07:51	4673 - CONLEY, PAUL D	4673 - CONLEY, PAUL D	
10/19/2015 07:51		04/06/2016 09:51	4673 - CONLEY, PAUL D	4673 - CONLEY, PAUL D	
04/06/2016 09:51		04/07/2016 10:43	4673 - CONLEY, PAUL D	4398 - VALENTIN, RAMON	
Summary					
Assignment History					
Persons					
Documents					
Related Reports					
Change of Crime Code					
Cancel / Follow-Up					
Reassignment					
Add Document					

CRIME REPORT		SAN DIEGO REGIONAL CRIME/INCIDENT REPORT			1 of 2 PAGE	INCIDENT NUMBER 15090056613
BEAT 712	RELATED RPT #	DATE 09/28/2015 - 09/28/2015	DAY OF WEEK Monday - Monday	TIME 01:04 - 02:07	CASE NUMBER 15042057	
CODE SECTION AND DESCRIPTION PC / 417.4 / BRANISH FIREARM REPLICA						
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO (SB) (SB) BL					CITY SAN DIEGO	

VICTIM / WITNESS									
V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) McCoy, Jeffrey							
RESIDENCE ADDRESS		CITY			STATE			ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT WORK PHONE									
ID SD 7099									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST		CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Wells, Jonathan							
RESIDENCE ADDRESS		CITY			STATE			ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT WORK PHONE									
ID SD 7319									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST		CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Lull, Brandon							
RESIDENCE ADDRESS		CITY			STATE			ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT WORK PHONE									
ID SD 7300									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST		CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 16:33
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(Revised 09/2013 Electronic)

CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

2 of 2

PAGE

~~1 of 2~~

INCIDENT NUMBER

15090056613

CASE NUMBER

15042057

M.O. INFORMATION

TOTAL # OF WITNESSES AT CRIME 0	PLACE OF ATTACK 1. Structure	SURROUNDING AREA 2. Business
TYPE OF STRUCTURE RESIDENTIAL 1. APARTMENT/CONDO		
TARGET(S) 13. Other:		
POINT OF ENTRY 0. N/A		
SECURITY USED 0. N/A		
TYPE LOCK ATTACKED 0. N/A		
SUSPECT ACTIONS 60. Other: Pointed replica firearm at Officers		
VICTIM INJURED	EXTENT OF TREATMENT	SIC No ADULT

SUSPECT(S)

ARRESTED N	SUSPECT NAME (LAST, FIRST MIDDLE) Hernandez, Alberto				NICKNAME/AKA			
RACE H	SEX M	AGE 59	DOB 11/26/1955	HEIGHT 5'08" -	WEIGHT 190 -	BUILD FAT -	HAIR COLOR BRO	EYE COLOR BRO
SUSPECT'S ADDRESS						CITY SAN DIEGO	STATE CA	ZIP 92173
ID								
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)								
SUSPECT'S CLOTHING								
HAIR LENGTH/TYPE SHORT 4. THINNING	HAIR STYLE 1. AFRO/NATURAL	FACIAL HAIR 1. CLEAN SHAVEN	COMPLEXION 5. MEDIUM	GENERAL APPEARANCE 1. CASUAL	DEMEANOR 5. IRRATIONAL	SPEECH 0. UNKNOWN	VOICE 0. UNKNOWN	

EVIDENCE

EVIDENCE OBTAINED	TAG NUMBERS
	None
WITNESS CHECK	

See Evidence Collection Section for Details

OFFICER ASSAULT (OAK)

VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

ARSON

ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$	ABANDONED
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REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV. HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 16:33
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(Revised 09/2013 Electronic)

San Diego Police Department: Case Cancellation

Type of

417.4
PC

Crime/Incident

Case #

15042057

Victim



Case Part of Series

☐

Occurrence Date

09/28/2015

(Leave blank if no series)

Type of Cancellation

Exceptional: Other (such as subject is dead)

Additional Arrests

☐

Disposition

Charge Level

Persons Arrested

Last

First

Middle

Date

Booking Number

Detective Arrest

☐

Patrol Arrest

☐

Charged

☐

Not Charged

☐

Property Recovered

None ☐

Partial ☐

Full ☐

Value Recovered

Was ARJIS-4 Completed

Yes ☐

No ☐

Investigator:

Date

Approved By:

Date

4673 -Conley, Paul D

04/07/2016

4673 - Conley, Paul

04/07/2016

List Additional Cases to Be Cancelled:

Narrative:

Please see OIS Homicide book for details



THE CITY OF SAN DIEGO

San Diego Police Department

FOR IMMEDIATE RELEASE

Date: September 28, 2015 (Monday)

Time: 1200 hours

**CONTACT: Lieutenant Paul Rorrison
Homicide Unit**

POLICE INVESTIGATE OFFICER-INVOLVED SHOOTING IN SAN YSIDRO

On Monday, September 28, 2015, at 1:15 a.m., San Diego Police Department Officers responded to a 911 hang-up call at an apartment in the 1100 block of W. San Ysidro Boulevard. A male caller stated he wanted to shoot a female, before the phone was disconnected.

Responding officers knocked on the second story apartment door and were confronted by a 59 year old Hispanic male who answered the door armed with a handgun. The male pointed the handgun at officers before slamming the door shut. As the officers began evacuations of neighboring apartments, the suspect exited the apartment armed with the handgun and began walking down the stairs towards the officers while pointing the handgun at them. The suspect was given several verbal commands to drop the weapon, but he refused to comply. Fearing for their safety and the safety of the public, three San Diego Police Officers discharged their weapons striking the suspect.

The suspect was transported to a local hospital where he succumbed to his wounds and was pronounced deceased. The suspect's weapon was recovered at the scene and was found to be a replica of a semi-automatic handgun.

A [REDACTED] year old [REDACTED] female was found unharmed in the apartment.

Two of the officers involved in this incident have been with the San Diego Police Department for 1 year. The third officer has been with the San Diego Police Department for 18 months.

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SAN DIEGO POLICE DEPARTMENT HOMICIDE SECTION CALLOUT SHEET

DATE/TIME: 09/28/2015 0127

LOCATION: 1170 W SAN YSIDRO BL

AREA: SO BEAT: 712 APT: [REDACTED] CASE TYPE: OIS-Special Investigation CASE #: 15-042053

RELATED CASE TYPE / #: 417 #15-042057 WEAPON: Firearm Unknown METHOD OF DEATH: MOTIVE: Other

VICTIM

NAME : MCCOY, JEFFREY MICHAEL

RACE: White SEX: Male HEIGHT: WEIGHT: AGE: [REDACTED] DOB: [REDACTED]

IDENTIFICATION: SSN: CDL FBI : CII :
HOME ADDRESS PHONE

OCCUPATION EMPLOYER PHONE

SUSPECT(s)

NAME: HERNANDEZ, ALBERTO

RACE: Hispanic SEX: Male HEIGHT: WEIGHT: AGE: DOB: 11/28/1955

IDENTIFICATION SSN: CDL FBI : CII :
HOME ADDRESS PHONE

[REDACTED]
San Diego

[REDACTED]
CA

OCCUPATION EMPLOYER PHONE

ARREST DATE: CHARGES: WARRANT:

Print Date 11/21/2017
Case # 15-042053
Victim: MCCOY, JEFFREY MICHAEL

INVESTIGATIVE PERSONNEL

HOMICIDE PERSONNEL:

SERGEANT PAUL CONLEY 4673
DETECTIVE JUAN CISNEROS 5811
DETECTIVE KIM COLLIER 5537
DETECTIVE JON DUNGAN 6137
DETECTIVE AL LOZANO 4819

FORENSIC SPECIALIST:

TEAM : 4 CRIMINALIST:

DDA:

MEDICAL EXAMINER:

INVESTIGATOR:

CANCELLED BY: SGT. P. CONLEY/LT. M. HOLDEN DATE: 9/16/2016 TO RECORDS: 11/21/2017

CASE SYNOPSIS / REVISIONS

Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathan, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

CASE SYNOPSIS:

On September 28, 2015, at 0153 hours, Lieutenant Paul RORRISON #4305 contacted Detective Sergeant Paul CONLEY #4673 regarding an Officer Involved Shooting investigation at 1170 W. San Ysidro Boulevard. Lieutenant RORRISON stated Southern Patrol Officer's had been involved in a shooting of a male at the apartment complex. The male later died from his injuries after being transported by paramedics. Lieutenant RORRISON directed Homicide Team IV to report to the scene and investigate the shooting incident.

PATROL BRIEFING:

On September 28, 2015, at 0317 hours, Sergeant Chris TIVANIAN #5871 provided a briefing on the incident. The decedent was identified as Alberto HERNANDEZ. Sergeant TIVANIAN stated SDPD Communications received a 911 call from a male at 1170 W. San Ysidro Boulevard Apartment [REDACTED] Officer's Jeff McCOY #7099, and Kyle RACK #7310 were the first officers to respond along with Officer Matthew HERKELMAN #7292 (Sergeant TIVANIAN did not discuss the shooting incident at this point in the briefing). Sergeant TIVANIAN said after the shooting of HERNANDEZ, Medic #29 responded and performed CPR. HERNANDEZ was transported to Mercy Hospital and Officer HERKELMAN followed the medic vehicle in his police vehicle. HERNANDEZ was pronounced deceased by Doctor Yang at 0207 hours.

Sergeant TIVANIAN continued the briefing and stated the body was on the landing on the stairwell and the body was facing south and was face down. The weapon HERNANDEZ had was near his hand and moved by Officer McCOY. The [REDACTED] HERNANDEZ lived with was

Prepared By: PAUL CONLEY, SGTD ID 4673

Date: Prepared: 10/14/2015 Revised: 10/14/2015

identified as [REDACTED] and was interviewed by responding officers. [REDACTED] stated Alberto HERNANDEZ was psychotic and not taking his medication. She also stated Alberto was going to attend a meeting with his psych doctor, but never attended the meeting. [REDACTED] said Alberto HERNANDEZ had depression and his intentions were to call the police to take him to jail. [REDACTED] said Alberto HERNANDEZ told her when the police arrive at the house to stay inside.

SHOOTING INCIDENT:

Sergeant TIVANIAN stated when officers first arrived at the residence they witnessed the suspect holding a handgun (when they contacted him at the apartment upstairs). After seeing the handgun, the officers came down the stairs to take cover and keep an eye on the door. The suspect (now known to be Alberto HERNANDEZ) would open the door and point the gun in different directions at the officers downstairs. At one point, HERNANDEZ came out of the apartment with the gun in his hand. HERNANDEZ was given multiple commands to drop the gun. At this point three officers fired their weapons and one officer had a weapons malfunction. HERNANDEZ was shot as he was coming down the stairs.

Several civilian witnesses were interviewed as it related to what they heard and saw and all were consistent with hearing officer's give numerous repeated commands to drop the weapon. The witnesses described hearing 4 to 5 gunshots.

Sergeant TIVANIAN identified the officers who fired as Jeffrey McCOY, Jonathan WELLS, and Brandon LULL. All officers were wearing Body Worn Cameras, but Officer WELLS did not have his on at the time of the incident.

INVESTIGATION:

Homicide Team IV responded to the scene and began their investigation after the patrol briefing. Detective Kim COLLIER #5537 was assigned to conduct the crime scene investigation along with Detective Al LOZANO #4819. Crime Scene Specialist Ally SOUTHERLAND #8411 was assigned to photograph and document the scene. Detectives Jon DUNGAN #6137 and Juan CISNEROS #5811 were assigned to interview the witnesses in the area who heard/saw the incident. Detective CISNEROS was also assigned to respond to the hospital to meet the Medical Examiner to witness HERNANDEZ body removal and document the tag number on the body bag.

CRIME SCENE:

The scene is located in the City of San Diego. The area is serviced by the San Diego Police Department's Southern Patrol Division. The actual crime scene was outside an apartment complex located at 1170 W. San Ysidro Boulevard. The shooting took place outside the complex on the stairway leading to the second story. [REDACTED]

Detective COLLIER documented the crime scene by taking measurements, collecting various items of evidence to include shell casings, missile fragments, and the weapon HERNANDEZ pointed at officers. In addition to the items collected, Crime Scene Specialist

SOUTHERLAND took overall photographs of the scene as we found it (see Crime Scene Report for details).

OFFICER INTERVIEWS:

Sergeant CONLEY met with Lieutenant RORRISON who coordinated with Charles WALKER from the San Diego Police Officer's Association to see if the officers involved in the shooting would participate in a voluntary walk-through of the scene. Lieutenant RORRISON confirmed all three officers would come back to the scene and show investigators their positions where they fired from. Sergeant CONLEY recorded all three officers in the walk-through.

Lieutenant RORRISON and Sergeant CONLEY went to SDPD Headquarters in anticipation of the interview with all the officers involved. Lieutenant RORRISON and Sergeant CONLEY waited until all Officers involved were produced with their legal representation to begin the interviews.

Before the interviews were conducted, all the officers were allowed to view their Body Worn Cameras (BWC) that were activated during the incident.

Sergeant CONLEY and Lieutenant RORRISON conducted the officer interviews in the Homicide Unit office. The interviews were recorded. The officer's interviewed were Officer's MCCOY, Jeffrey, ID #7099, WELLS, Jonathon, ID #7319 LULL, Brandon, ID #7300 and Acting Sergeant Dean BISHOP #5837 (see individual interviews for details).

WITNESS INTERVIEWS:

The main priority witness was identified as [REDACTED]

[REDACTED] This was when she learned of his alcohol abuse and depression. Alberto HERNANDEZ would often make comments that he was tired of being an alcoholic and he did not want to "live like this" anymore. [REDACTED] stated Alberto would sometimes have his good days where he was not depressed, but often the depression would come on without warning mostly once he started drinking.

On 09/27/2015, [REDACTED] at approximately 1400 hours and Alberto was still asleep. When Alberto woke up, [REDACTED] stated he began feeling depressed so she read him some bible passages. Alberto told [REDACTED] he was planning on going to Detox the next day. As the evening went on, Alberto again stated he did not want to "live like this" and at the time he was drinking which would make him extremely depressed. According to [REDACTED] Alberto was not just depressed about his alcoholism he was also depressed about the death of his mother and father and he had recently heard that one of his brothers in Mexico may

Print Date 11/21/2017
Case # 15-042053
Victim: MCCOY, JEFFREY MICHAEL

have died of cancer.

That evening Alberto decided to call the police because he told [REDACTED] he wanted the police to take him to a rehabilitation center. Alberto at first wanted [REDACTED] to call the police for him, but she wanted Alberto to call so he could explain to the police that he did not feel good and that he wanted the police to take him to a rehabilitation center. Although Alberto has never been suicidal in front of [REDACTED] he did make statements to her that he did not want to live a life of alcohol dependency.

[REDACTED] stated Alberto got the idea about bringing out the plastic gun to make the police come to the apartment. She told Alberto not to do anything "dumb," but he told [REDACTED] he was going to call the police and make up a story as if he'd beat her up and was going to tell the police he wanted to kill her so he could get arrested. [REDACTED] again told him not to lie to the police. Alberto called police dispatch and [REDACTED] said she could not understand what he was saying because she didn't speak English.

[REDACTED] stated when the police arrived, Alberto opened the front door and showed the police the gun. [REDACTED] said Alberto knew there was the possibility that the officers might shoot at him if he points a gun at them, but she did not believe that was his intention. [REDACTED] again stated she believed Alberto just wanted to get arrested and be taken to a rehabilitation facility

[REDACTED] said when the officers saw the gun they ran away and she didn't have the opportunity to tell them the gun was plastic. Before Alberto walked out of the house he urged [REDACTED] several times to lie on the ground because he did not want her to get hurt (possibly knowing the police would shoot him). [REDACTED] stated she knew Alberto was aware if he pointed the gun at the officers there was a high possibility the officers would fire their weapons at him.

After the shooting and incident, [REDACTED] advised investigators, Alberto had been seeking psychiatric assistance from the [REDACTED] Alberto was being seen for depression and suicidal threats he made to the staff at the facility. It was later learned by researching calls for service to Alberto HERNANDEZ' apartment that within the last month the police had responded to the location. The radio calls came on advice from counselors from the [REDACTED] to check on HERNANDEZ welfare. The calls SDPD responded to at the apartment were cleared with no enforcement action and HERNANDEZ was not taken into custody on a 5150 hold.

*****This synopsis is current as of October 13, 2015*****



Page _____

**INTERNAL CHAIN
OF CUSTODY**

San Diego Police Department

Forensic Science Section

Victim(s) Officers: Bishop # 5937, Wells # 7319, Hull # 7300, McCoy # 7095

Suspect(s) Alberto Hernandez

Incident # <u>15090050613</u>		Case # _____	
Released By: Name/ID <u>K. Boyd #8260</u>	Received By <u>Toniann Rebeck</u> ID# <u>8154</u>	Items Received <u>SIG SAUER p229</u> [redacted] w/ seated magazine and two empty magazines (off. Bishop's weapon)	
	Purpose <u>Unload</u>	Date <u>9/20/15</u>	
Released By: Name/ID <u>K. Boyd #8260</u>	Received By [redacted] ID# <u>8176</u>	Items Received <u>Glock 17 Gen 4</u> [redacted] 3 loaded magazines and one cartridge (off. Wells weapon)	
	Purpose <u>Unload</u>	Date <u>9/20/15</u>	
Released By: Name/ID <u>K. Boyd #8260</u>	Received By [redacted] ID# <u>8512</u> ²⁸³⁰¹⁵ _{1335hrs}	Items Received <u>Glock 17 Gen 4</u> [redacted] w/ seated magazine and two loaded magazines (off. Hull's weapon)	
	Purpose <u>Unload</u>	Date <u>9/20/15</u>	
Released By: Name/ID <u>K. Boyd #8260</u>	Received By <u>LACHIMIA</u> ID# <u>8757</u>	Items Received <u>Glock 17 Gen 4</u> [redacted] w/ seated magazine and two the loaded magazines (off. McCoy's weapon)	
	Purpose <u>Unload / process</u>	Date <u>9/20/15</u> ^{9:28 PM} ₁₂₁₅	
Released By: Name/ID <u>LACHIMIA 8757</u>	Received By <u>CSU gun locker / K. Boyd #8260</u> ID# _____	Items Received <u>Glock 17 Gen 4</u> [redacted] 3 mags	
	Purpose <u>RETURN release to</u>	Date <u>9-29-15 0730</u>	

Sergeant Sergeant 10/1/15 1317hrs
10/1/15



Page _____

INTERNAL CHAIN OF CUSTODY

San Diego Police Department

Forensic Science Section

Victim(s) Officers: Bishop, Wells, Lull, & McCoy

Suspect(s) Alberto Hernandez

Incident # <u>1509100510013</u>		Case # _____	
Released By: Name/ID [Redacted] #8176 09/29/15	Received By <u>K. Boyd</u> ID# <u>0900</u>	Items Received <u>Glock 17 Gen 4</u> [Redacted] & <u>3 mags - Wells</u>	Purpose <u>release to sergeant</u> Date <u>10/1/15</u> 137hrs
Released By: Name/ID [Redacted] 8512 21 Sep 15	Received By <u>K. Boyd</u> ID# <u>0900</u> (CSU gun locker)	Items Received <u>Glock pistol Model 17 Gen 4</u> [Redacted] and <u>3 mags (OFC Lull)</u>	Purpose <u>release to sergeant</u> Date <u>10/1/15</u> 137hrs
Released By: Name/ID [Redacted] #854 09/30/15	Received By <u>K. Boyd</u> ID# <u>0900</u> (CSU gun locker)	Items Received <u>Sig Sauer Model P229</u> [Redacted] w/ <u>3 mags</u>	Purpose <u>release to sergeant</u> Date <u>10/1/15</u> 137hrs
Released By: Name/ID <u>K. Boyd</u> #0260	Received By <u>P. Conley</u> ID# <u>4673</u>	Items Received <u>SIG SAUER p229</u> [Redacted] <u>handgun</u> and <u>3 magazines (Bishop's)</u>	Purpose <u>Release to OFFICER</u> Date <u>10/6/15</u>
Released By: Name/ID <u>K. Boyd</u> #0900	Received By <u>P. Conley</u> ID# <u>4673</u>	Items Received <u>Glock 17 Gen 4</u> [Redacted] <u>handgun and</u> <u>3 magazines (Wells)</u>	Purpose <u>Release to OFFICER</u> Date <u>10/6/15</u>



Page _____

**INTERNAL CHAIN
OF CUSTODY**

San Diego Police Department

Forensic Science Section

Victim(s) Officers: Bishop, Wells, Lull, & McCoy

Suspect(s) Alberto Hernandez

Incident # <u>150900564613</u> Case # _____	
Released By: Name/ID <u>K. Bayd #6060</u>	Received By <u>P. Conley</u> ID# <u>4673</u> Items Received <u>Glock 17 Gen 4 [REDACTED] and 3</u> <u>magazines (Lull)</u> Purpose <u>Release to OFFICER</u> Date <u>10/16/15</u>
Released By: Name/ID <u>K. Bayd #6060</u>	Received By <u>P. Conley</u> ID# <u>4673</u> Items Received <u>Glock 17 Gen 4 [REDACTED] handgun and</u> <u>3 magazines</u> Purpose <u>Release to OFFICER</u> Date <u>10/16/15</u>
Released By: Name/ID	Received By _____ ID# _____ Items Received _____ Purpose _____ Date _____
Released By: Name/ID	Received By _____ ID# _____ Items Received _____ Purpose _____ Date _____
Released By: Name/ID	Received By _____ ID# _____ Items Received _____ Purpose _____ Date _____

CITY OF SAN DIEGO POLICE DEPARTMENT

PROPERTY RELEASE

- WITH VALID PICTURE IDENTIFICATION, PRESENT THIS RELEASE AT THE POLICE PROPERTY ROOM, 1401 BROADWAY, SAN DIEGO, CA 92101 (ENTRANCE AT 15TH AND "E" ST.), **BETWEEN THE HOURS OF 11:00 A.M. AND 4:00 P.M., MONDAY THROUGH FRIDAY** TO RECOVER THE LISTED PROPERTY. FOR INQUIRIES CALL (619) 531-2866.
- THE POLICE PROPERTY ROOM IS CLOSED ON SATURDAYS, SUNDAYS AND HOLIDAYS.
- **FAILURE TO CLAIM THIS PROPERTY WITHIN 30 DAYS WILL RESULT IN ITS BEING DISPOSED OF ACCORDING TO LAW.**
- IF YOU WISH TO SEND SOMEONE ELSE TO PICK UP YOUR PROPERTY YOU MUST PROVIDE THEM WITH WRITTEN NOTARIZED AUTHORIZATION.

PERSON AUTHORIZING RELEASE MUST FILL IN ALL INFORMATION BELOW

DATE OF CASE 09/28/15	CASE NO. OR BKG. NO. 15-042653	OTHER REFERENCE 15-042657	PROPERTY TAG NUMBER 11537273
AUTHORIZED BY: J. PINEROS	ID # 5811	DIVISION HOMICIDE	TODAY'S DATE 10/11/15

RELEASE TO:

NAME:

ADDRESS:

CITY/STATE:
& ZIP CODE**THIS SECTION TO BE COMPLETED AT TIME OF RELEASE**

I CERTIFY, UNDER PENALTY OF PERJURY, THAT I AM THE LAWFUL OWNER/
GUARDIAN OF THE PROPERTY LISTED BELOW, AND THAT I HAVE TAKEN
POSSESSION OF THE DESCRIBED PROPERTY FROM THE SAN DIEGO POLICE DEPT.

PROPERTY RECEIVED BY:

DATE: **10-1-15**

RECIPIENT IDENTIFICATION / INFORMATION

Sgt. Conley #4673

WITNESS TO RELEASE INITIALS AND I.D. #

ITEMS TO BE RELEASED:

1 MEDICATION BOTTLE**YOU MUST PROVIDE VALID PICTURE IDENTIFICATION TO RECEIVE PROPERTY**

PD-184 (Rev. 10-06)



601245



This information is available in alternative formats upon request.

THIS COPY: TURN IN WITH REPORT

SAN DIEGO POLICE DEPARTMENT
(Consent to Search Premises)
(Spanish)

CONSENTIMIENTO PARA REGISTRAR CASA Y
OTROS LUGARES INDICADOS


Numero de Caso 15-042053
(Case Number)
Fecha 9/28/15
(Date)

Yo,  (Person giving permission) despues de haber sido informado de mis derechos constitucionales de que no puedo ser sometido a un registro del lugar aqui indicado sin una orden judicial, y de mi derecho a rehusar o rechazar la presencia de agentes de la ley en mi casa u otro lugar bajo mi control, aqui autoriso a DETROIVE JUAN CISNEROS y a _____ (Officer name) Agentes de la Policia de la Ciudad de San Diego a que registren mi propiedad localisada en 1170 WEST SAN ISIDRO BLVD  en la Ciudad de San Diego, California. Estos Policias tienen mi permiso para tomar de aqui, cartas, papeles, materiales, contrabando u otra propiedad que ellos deseen.

El permiso dado de mi parte esta aqui escrito para Los Policias mencionados.

Doy permiso voluntariamente sin amenazas ni promesas de ninguna clase.


Signature


9/28/15

Testigos (Witnesses)

SAN DIEGO POLICE DEPARTMENT
(Consent to Search Vehicle)
(Spanish)

CONSENTIMIENTO PARA REGISTRAR VEHICULOS

Numero de Caso _____
Fecha _____
(Case Number) (Date)

Yo, _____, despues de haber sido informado de mis derechos
(Person giving permission)
constitucionales de que no puedo ser sometido a un registro de mi vehiculo aqui indicado sin una orden
judicial, y de mi derecho a rehusar el consentimiento de dicho registro, aqui autorizo a

_____ y a _____
(Officer name) (Officer name)

Agentes de la Policia de la Ciudad de San Diego a que registren completamente di mi vehiculo

Año _____ Marca _____ Modelo _____ No. de Placas _____
(Year) (Make) (Model) (License No.)

en la Ciudad de San Diego, California. Estos Policias tienen mi permiso para tomar de mi vehiculo
cualesquieran cartas, papeles, materiales, contrabando u otra propiedad que ellos deseen.

El permiso de mi parte esta aqui escrito para Los Policias mencionados.

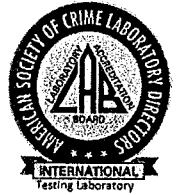
Doy permiso voluntariamente sin amenazas ni promesas de ninguna clase.

Firma (Signature)

Testigos (Witnesses)



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**



CRIME SCENE RECONSTRUCTION REPORT

VICTIM:	SDPD Officer McCOY, Jeffery
VICTIM:	SDPD Officer WELLS, Jonathon
VICTIM:	SDPD Officer LULL, Brandon
SUSPECT:	HERNANDEZ, Alberto
CHARGE:	OIS-Special Investigation/ 417.4 PC
CASE #:	15-042053/15-042057
INCIDENT #:	15090056613
HOMICIDE TEAM 4:	Sergeant Conley/Detective Collier
DATE OF INCIDENT:	September 28, 2015
CRIMINALIST:	Steve Cordes

CRIME SCENE REPORT:

On September 28, 2015, at approximately 0200 hours, I was contacted by Criminalist Eric Bieschke and informed of a Special Investigation at 1170 West San Ysidro Boulevard. I arrived at the scene at approximately 0303 hours.

BRIEFING:

The following is a synopsis of the briefing given at the scene, and information contained in the SDPD press release dated September 28, 2015.

San Diego Police Dispatch received a 911 call from a male located at 1170 W. San Ysidro Boulevard, Apartment [REDACTED] stating that he was going to shoot a female. Officers responded and confronted the suspect who answered the door armed with a handgun. San Diego Police withdrew to cover. The suspect opened the door four or five times with the firearm in clear view each time. The suspect left his residence with the firearm in hand and started down the stairs toward the officers. The officers told the suspect to drop the firearm and instead the suspect pointed the firearm at the officers. Three officers fired their service pistols striking the suspect. The suspect was given first aid and transported to a hospital by paramedics where he was pronounced as deceased.

Officer McCoy stated he went up the stairs to the door of Apartment [REDACTED] and knocked. The suspect answered the door holding a handgun. Officer McCoy told the suspect to put the gun down and the suspect responded by closing the door. After the suspect closed the door, Officer McCoy withdrew to cover to a position on the ground level and northeast of the stairway.

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Officer Lull stated he was northeast of Officer McCoy behind SDPD Unit 7116 parked against the east curb line of the parking area when the suspect exited his residence and started down the stairs.

Officer Wells stated he was northeast of Officer McCoy and on the driver's side of SDPD Unit 7116 parked against the east curb line of the parking area when the suspect exited his residence and started down the stairs.

Acting Sergeant Bishop stated he parked behind SDPD unit 7116 and moved west to a point between a truck parked in the [REDACTED] parking space from the southeast corner of the parking lot and a car in the [REDACTED] space.

Three of the above officers fired from their positions. Based on information provided during the briefing at the scene and the firearms report on Acting Sergeant Bishop's service firearm, there is no indication that he fired his pistol. See Figure 1.

SCENE DESCRIPTION:

The scene was located at the [REDACTED] Apartment complex on 1190 W. San Ysidro Boulevard specifically in front of building [REDACTED]. There are four units in building [REDACTED] units [REDACTED] and [REDACTED] on the ground level with units [REDACTED] and [REDACTED] above. The scene was confined the area immediately north and outside of this building. See Figure 1.

Directly north of building [REDACTED] is a paved parking lot and the entrance to the apartment complex from W. San Ysidro Boulevard. The parking spaces are along the south side of this paved area with the east curb painted red. There is a sidewalk that borders the parking lot on the east and south. See Figure 1.

OBSERVATIONS:

For the purpose of this report any reference to blood is meant to be apparent blood .

Refer to Figure 1 for visual clarification of the following:

SDPD Patrol Unit 7166 was parked against the red curb on the east side of the parking lot.

Six cartridge cases in 9mm luger caliber (placards 1-6), were located on the ground behind and to the west of the patrol vehicle. Two cartridge cases in 9mm luger caliber (placards 8 and 9) were located on the sidewalk to the east and behind the patrol vehicle. One expended bullet (placard 7) was located on the ground directly behind the patrol vehicle.

Three cartridge cases in 9mm luger caliber (placards 10-12), were located on the ground in the

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OIS Case #: 15-042053
 Officers: McCoy, Jeffrey; Wells, Jonathon; Lull, Brandon
 Suspect: Hernandez, Alberto
 Date/Time: 9/28/15 @ 0127 Hrs
 Location: 1170 West San Ysidro Boulevard, [REDACTED]
 San Diego, CA
 Scene Investigator: Det. K Collier, #5537
 Approved by: [REDACTED]
 Prepared by: Leland Welsh, #0586

Reference
 grid
 North



Geographical

North



Not to Scale

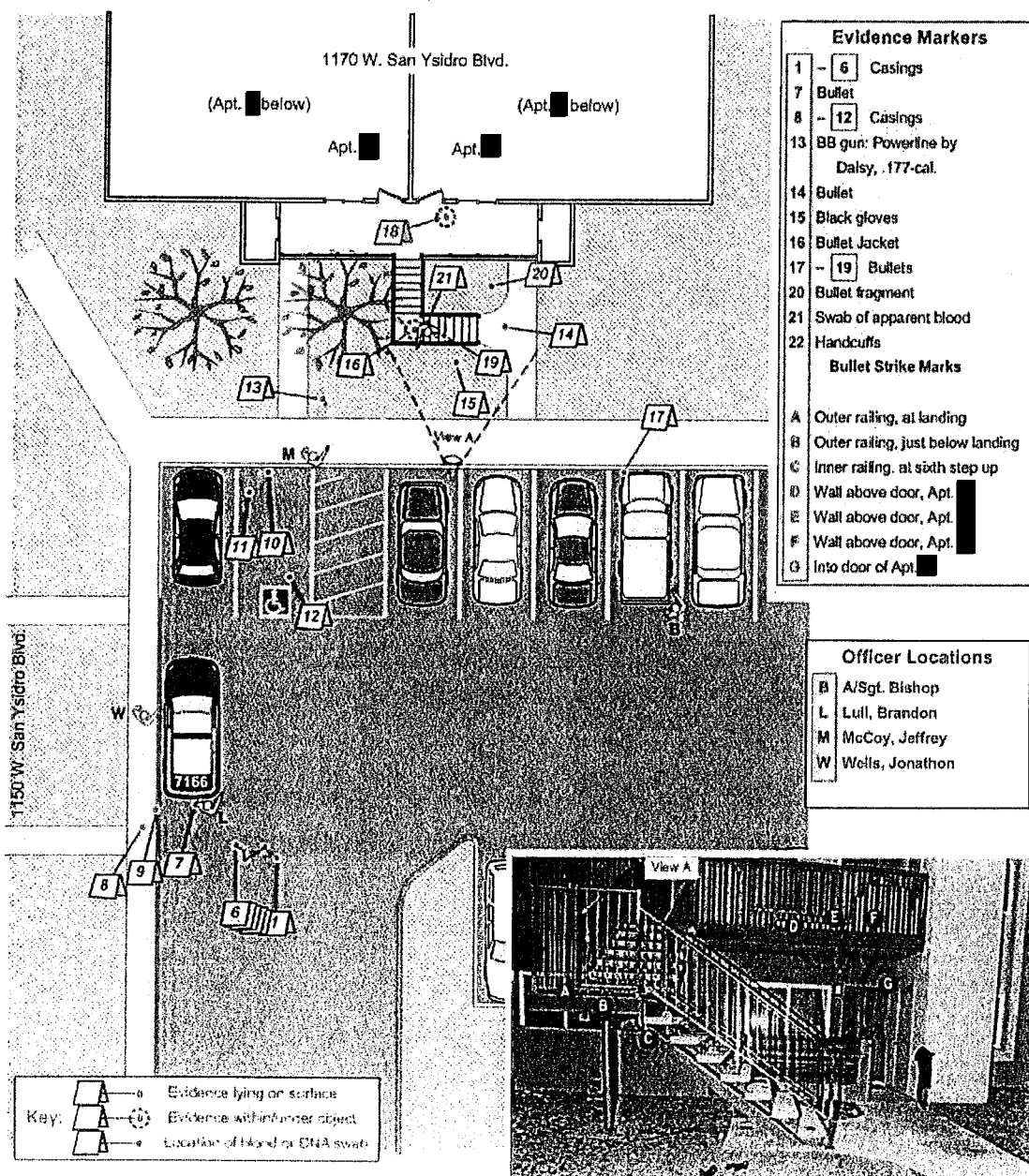


Figure 1

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second parking space from the southeast corner of the parking lot.

One lead core from a bullet (placard 17) was located on the ground in the [REDACTED] parking space from the southeast corner of the parking lot.

One bullet jacket (placard 16) was located on the ground underneath the stairway landing to the second floor.

A Daisy brand Powerline BB gun in .177 caliber (placard 13) was located on the grass adjacent to the junction of the walkway to unit [REDACTED] and the sidewalk.

One expended bullet (placard 14) was located on the walkway to unit [REDACTED] directly in front of the entrance to the stairs.

One expended bullet (placard 18) was located on the patio outside of unit [REDACTED]

There were three bullet strike marks (placards A, B, and C) on the vertical rails of the stairs and three bullet strike marks (placards D, E, and F) on the stucco wall above the door to unit [REDACTED]. An expended bullet was removed from the strike mark labeled F. There was a bullet strike mark (placard G) on the door to unit [REDACTED]

There was a small pool of blood located on the first step down from the landing of the stairs that was the reported area where the suspect fell after the incident.

Officer McCoy's firearm was a Glock model 17 chambered in 9mm luger caliber. An examination of this firearm indicated that if the pistol was "hot loaded" three cartridges had been fired from the pistol. See Firearms Report by Criminalist LaChimia dated September 29, 2015.

Officer Lull's firearm was a Glock model 17 chambered in 9mm Luger caliber. An examination of this firearm indicated that if the pistol was "hot loaded" six cartridges had been fired from the pistol. See Firearms Report by Criminalist Wilson dated September 30, 2015.

Officer Wells' firearm was a Glock model 17 chambered in 9mm Luger caliber. An examination of this firearm indicated that if the pistol was "hot loaded" two cartridges had been fired from the pistol. See Firearms Report by Criminalist Loznycky dated September 29, 2015.

Officer Bishop's firearm was a Sig Sauer model P229 chambered in 9mm Luger caliber. An examination of this firearm indicated that the firearm and spare magazines were in an unloaded condition. See Firearms Report by Criminalist Rebick dated September 30, 2015

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TRAJECTORIES:

No trajectories could be determined for the above bullet strike marks other than to say the bullets making the strike marks traveled from north to south.

SUSPECT'S INJURIES:

The suspect's injuries consisted of multiple gunshot wounds to the upper chest and the abdomen, the right forearm and elbow, the upper arm front and rear, the right shoulder, and the lower left leg front and rear. Four expended bullets were recovered from the wounds. See the report by the Medical Examiner Doctor Schaber for a detailed list of his injuries.

CONCLUSIONS

Information from the crime scene, firearms reports, and the photographs from the autopsy were used to form the following conclusions.

Officer McCoy discharged his service pistol a total of three times. This is supported by the firearms report and the three cartridge cases located at his reported position north and east of the stairway.

Officer Lull discharged his service pistol a total of six times. This is supported by the firearms report and the six cartridge cases located at his reported position at the back of patrol unit 7166.

Officer Wells discharged his service pistol a total of two times. This is supported by the firearms report and the two cartridge cases located at his reported position at the driver's side of patrol unit 7166.

Officer Bishop did not fire his service pistol. This is supported by the firearms report and his walk through briefing at the scene.

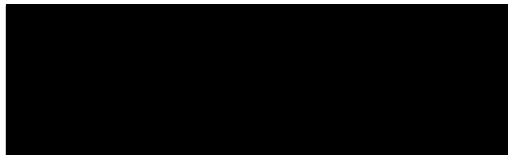
The above positions and the number of shots fired are consistent with the information received at both the briefing and the officer's walk through.

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This report contains the conclusions, opinions, and interpretations of the analyst whose signature appears below.



Steven K. Cordes #8328

Trace Evidence

October 22, 2015

Technical Review:  Date: 11/7/15 Administrative Review:  Date: 11/9/15



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**



CRIME SCENE UNIT LABORATORY REPORT

VICTIM: SDPD Officer Jeffrey McCoy, ID #7099
VICTIM: SDPD Officer Jonathon Wells, ID #7319
VICTIM: SDPD Officer Brandon Lull, ID #7300
SUSPECT: HERNANDEZ, Alberto
CHARGE: OIS / Special Investigation / 417.4 PC
INCIDENT #: 15090056613
CASE #: 15-042053 / 15-042057
HOMICIDE TEAM IV: Detective K. Collier / Sergeant P. Conley
DATE OF INCIDENT: September 28, 2015 (Monday)
SCENE LOCATION: 1170 West San Ysidro Boulevard [REDACTED]
CRIME SCENE SPECIALIST: Ally Southerland
CRIMINALIST: Steven Cordes

CRIME SCENE UNIT REPORT 1

Scene

I arrived at 1170 West San Ysidro Boulevard [REDACTED] on September 28, 2015, at approximately 0241 hours. I met Crime Scene Specialist Intern E. Castaneda, ID #0284, Criminalist S. Cordes, ID #8328, Supervising Crime Scene Specialist J. Berner, ID #8791, Detective K. Collier, ID #5537, Sergeant P. Conley, ID #4673, and other members of Homicide Team IV, at this location. I took digital images #1 through #228, starting at approximately 0349 hours. I collected items of evidence starting at approximately 0529 hours.

Photography

- #1: View of the "Howard Ave" and "W San Ysidro Blvd" street signs.
- #2: View of the [REDACTED] APARTMENTS EXIT ONLY" sign.
- #3 - #38: Views of the parking lot, on the north side of 1170 West San Ysidro Boulevard.
- #39 - #47: Views of the vehicles parked within the scene.
- #48 - #68: Views of the parking lot on the north side of 1170 West San Ysidro Boulevard, including views of the stairway to apartment [REDACTED] and the dirt area below.

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Digital images #69 through #166, include views of four blue cones. Each blue cone has a letter on it and each cone represents the approximate location where the officers were standing (M: McCoy, W: Wells, L: Lull, B: Bishop).

- #69 - #73: Location views of the evidence items identified with placards 1 through 9.
- #74 - #75: Views of the cartridge case (placard 1).
- #76 - #77: Views of the cartridge case (placard 2).
- #78 - #79: Views of the cartridge case (placard 3).
- #80 - #81: Views of the cartridge case (placard 4).
- #82 - #83: Views of the cartridge case (placard 5).
- #84 - #85: Views of the cartridge case (placard 6).
- #86: View of the bullet with white residue (placard 7).
- #87 - #88: Views of the cartridge case (placard 8).
- #89 - #90: Views of the cartridge case (placard 9).
- #91 - #95: Location views of the evidence items identified with placards 10 through 12.
- #96 - #97: Views of the cartridge case (placard 10).
- #98 - #99: Views of the cartridge case (placard 11).
- #100 - #101: Views of the cartridge case (placard 12).
- #102 - #103: Location views of the evidence item identified with placard 13.
- #104 - #108: Views of the replica handgun (placard 13).
- #109 - #111: Location views of the evidence items identified with placards 14 through 16 and 19 through 21.
- #112: View of the bullet with white residue (placard 14).
- #113: View of the gloves (placard 15).

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- #114 - #115: Views of the copper jacket with apparent bloodstains on it (placard 16).
- #116: View of the bullet (placard 19).
- #117 - #118: Views of the apparent bullet fragment (placard 20).
- #119: View of the apparent bloodstain, from which a swab was collected (placard 21).
- #120 - #122: Location views of the evidence item identified with placard 17.
- #123: View of the bullet (placard 17).
- #124 - #134: Views of the front (north) porch of 1170 West San Ysidro Boulevard [REDACTED] including location views of the evidence item identified with placard 18.
- #135: View of the bullet with wood debris on it (placard 18).
- #136 - #140: Location views of the apparent strike marks labeled D, E and G and the bullet hole labeled F.
- #141 - #142: Views of the apparent strike mark (label D).
- #143: View of the apparent strike mark (label E).
- #144 - #147: Views of the bullet hole (label F).
- #148: View of the apparent strike mark (label G).
- #149 - #152: Views of the approximate location where Officer B. Lull, ID #7300, was standing and his perspective.
- #153 - #155: Views of the approximate location where Officer J. Wells, ID #7319, was standing and his perspective.
- #156 - #158: Views of the approximate location where Officer J. McCoy, ID #7099, was standing and his perspective.
- #159 - #161: Views of the approximate location where Acting Sergeant D. Bishop, ID #5937, was standing and his perspective.
- #162 - #166: Views of the stairway to 1170 West San Ysidro Boulevard [REDACTED] and the perspective from the stairway to the approximate locations of Officers J. McCoy, ID #7099, and B. Lull, ID #7300.
-

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Digital images #167 through #202, were taken of San Diego Police Department patrol vehicle 7166⁷ with California exempt license plate "1383789," parked in front (west) of 1150 West San Ysidro Boulevard [REDACTED]

- #167 - #171: Views of the exterior of the vehicle.
- #172 - #200: Views of the interior of the vehicle.
- #201: Location views of the evidence item identified with placard 22.
- #202: View of the handcuffs (placard 22).
- #203: Location view of the apparent strike marks identified with labels A and C, and bullet hole identified with label B.
- #204 - #206: Views of the apparent strike mark (label A).
- #207 - #208: Views of the bullet hole (label B).
- #209 - #210: Views of the apparent strike mark (label C).
- #211 - #212: Views of the replica handgun (placard 13).
- #213 - #216: Views of the bullet (label F).

Digital images #217 through #223, were taken of the San Diego Police Department patrol vehicles parked on the 1150 block of West San Ysidro Boulevard.

- #217 - #218: Views of vehicle 6932⁷ with California exempt license plate "1327892."
- #219 - #220: Views of vehicle 7100⁷ with California exempt license plate "1379205."
- #221 - #223: Views of vehicle 6987⁷ with California exempt license plate "1330648."
- #224 - #228: Views of the cargo area of San Diego Police Department patrol vehicle 7166⁷ with California exempt license plate "1383789," parked in front (west) of 1150 West San Ysidro Boulevard [REDACTED]

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Evidence

The following seven items of evidence were collected from the pavement, west of 1150 West San Ysidro Boulevard [REDACTED]

- 10536919:** One cartridge case with headstamp "F C 9MM LUGER" (placard 1).
- 10536922:** One cartridge case with headstamp "F C 9MM LUGER" (placard 2).
- 10536924:** One cartridge case with headstamp "F C 9MM LUGER" (placard 3).
- 10536926:** One cartridge case with headstamp "F C 9MM LUGER" (placard 4).
- 10536931:** One cartridge case with headstamp "F C 9MM LUGER" (placard 5).
- 10536933:** One cartridge case with headstamp "F C 9MM LUGER" (placard 6).
- 10536934:** One bullet with white residue (placard 7).
- 10536962:** One cartridge case with headstamp "F C 9MM LUGER" (placard 8). This item was collected from the sidewalk, west of 1150 West San Ysidro Boulevard [REDACTED]
- 10536968:** One cartridge case with headstamp "F C 9MM LUGER" (placard 9). This item was collected from the sidewalk, west of 1150 West San Ysidro Boulevard [REDACTED]

The following four items of evidence were collected from in front (north) of 1170 West San Ysidro Boulevard [REDACTED]

- 10536977:** One cartridge case with headstamp "F C 9MM LUGER" (placard 10). This item was collected from the south curblineline of the parking lot.
- 10536980:** One cartridge case with headstamp "F C 9MM LUGER" (placard 11). This item was collected from the south curblineline of the parking lot.
- 10536983:** One cartridge case with headstamp "F C 9MM LUGER" (placard 12). This item was collected from the pavement, in the easternmost handicap parking stall of the parking lot.
- 10536998:** One black plastic "POWERLINE By Daisy 340" ".177 Cal. (4.5mm) BB" replica handgun and empty magazine (placard 13). The replica handgun was collected with the magazine seated and the muzzle is damaged. This item was collected from the dirt area.

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- 10537013:** One bullet with white residue (placard 14). This item was collected from the concrete walkway, in front (north) of 1170 West San Ysidro Boulevard [REDACTED]
- 10537019:** One pair of black "HATCH" size "MEDIUM" gloves with apparent bloodstains and debris on them (placard 15). This item was collected from the dirt area, in front (north) of 1170 West San Ysidro Boulevard [REDACTED]
- 10537023:** One copper jacket with apparent bloodstains on it (placard 16). This item was collected from on the concrete base, below the staircase of 1170 West San Ysidro Boulevard [REDACTED] and [REDACTED]
- 10537025:** One bullet (placard 17). This item was collected from the south curblin of the parking lot in front (north) of 1170 West San Ysidro Boulevard.
- 10537034:** One bullet with wood debris on it (placard 18). This item was collected from the concrete front (north) porch to 1170 West San Ysidro Boulevard [REDACTED]
- 10537037:** One bullet (placard 19). This item was collected from the fifth concrete step up the staircase to 1170 West San Ysidro Boulevard [REDACTED] and [REDACTED]
- 10537038:** One apparent bullet fragment (placard 20). This item was collected from in front (north) of 1170 West San Ysidro Boulevard [REDACTED] in the dirt area.
- 10537039:** One swab of an apparent bloodstain (placard 21). This item was collected from the seventh concrete step up the staircase to 1170 West San Ysidro Boulevard [REDACTED] and [REDACTED]
- 10537048:** One pair of handcuffs with apparent bloodstains on them (placard 22). This item was collected from the front driver-side floorboard of the San Diego Police Department patrol vehicle #7166⁷ with California exempt license plate "1383789," parked in front (west) of 1150 West San Ysidro Boulevard [REDACTED]
- 10537054:** One bullet with white residue (label F). This item was collected from the hole (labeled F) in the stucco wall, directly above the front (north) door to 1170 West San Ysidro Boulevard [REDACTED]

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The following seven items of evidence were collected from inside 1170 West San Ysidro Boulevard [REDACTED]

10537265: This item consists of the following:

- One prescription bottle labeled "LISINOPRIL 20 MG TABLET" in the name of "ALBERTO HERNANDEZ" containing twenty-two white tablets with "20" imprinted on one side.
- One prescription bottle labeled "CHLORDIAZEPOXIDE 25 MG CAPSULE" in the name of "ALBERTO HERNANDEZ" containing five green and white capsules with "S253" printed on each one.
- One prescription bottle was removed and impounded separately under barcode 10537273.

This item was collected from on top of the dining table.

10537273: One prescription bottle labeled "PANTOPRAZOLE SOD DR 40 MG TAB" in the name of [REDACTED] containing nine yellow tablets with "93 / 12" printed on one side. This item was removed from barcode 10537265.

This item was collected from on top of the dining table.

10537286: Two clear plastic daily medication containers, one is labeled "BEDTIME" and one is labeled "MORNING." The "BEDTIME" container is empty and the "MORNING" container holds the following in each of the Monday through Friday compartments:

- Three white tablets with "J 246" imprinted on one side and one white tablet with "EC 20" imprinted on one side and "M" on the other side. The Sunday and Saturday compartments are empty.

This item was collected from on top of the tall dresser, along the west wall in the northwest bedroom.

10537293: This item consists of the following:

- One empty prescription bottle labeled "HYDROCODIN-ACETAMINOPHEN 5-325" in the name of "ALBERTO HERNANDEZ."
- One prescription bottle labeled "TAMSULOSIN HCL 0.4 MG CAPSULE" in the name of "ALBERTO HERNANDEZ" containing twenty-three blue capsules with "MYLAN 2500" printed on them.
- One prescription bottle labeled "OMEPRAZOLE DR 20 MG CAPSULE" in the name of "ALBERTO HERNANDEZ" containing thirty white capsules with "OME 20" printed on them.
- One prescription bottle labeled "LISINOPRIL 10 MG TABLET" in the name of "ALBERTO HERNANDEZ" containing five white tablets with "10" imprinted on one side.

- One prescription bottle labeled "LamoTRigine 150MG TAB" in the name of "ALBERTO HERNANDEZ" containing twenty-six white tablets with "J 247" imprinted on one side.

This item was collected from on top of the short dresser, along the west wall in the northwest bedroom.

10537303: One prescription bottle labeled "PROMETHAZINE 25 MG TABLET" in the name of "ALBERTO HERNANDEZ" containing eleven white tablets with "Z C 0 2" imprinted on one side. This item was collected from the dish on top of the dining table.

10537322: One blue re-sealable bag labeled "Para-Pak Direct Detect SAMPLE COLLECTION SYSTEM" containing one "Para-Pak Clean Vial" in the name of "Hernandez, Alberto." The vial appears to contain a feces sample. This item was collected on top of the short dresser, along the west wall in the northwest bedroom.

10537332: This item consists of the following:

- One clear plastic daily medication container, labeled "BEDTIME." The Monday compartment holds one white tablet with "EC 20" imprinted on one side and "M" imprinted on the other side and the Tuesday through Saturday compartments each hold two of these tablets.
- Three clear plastic daily medication containers, labeled "MORNING," held together by a rubber band. Two of the containers hold three white tablets with "J 246" imprinted on one side, in each compartment. One of the containers holds two white tablets with "J 246" imprinted on one side in the Monday compartment. The Tuesday through Saturday compartments of this container each hold four white tablets, one with "EC 20" imprinted on one side and "M" imprinted on the other and three with "J 246" imprinted on one side.

This item was collected from on top of the short dresser, along the west wall, in the northwest bedroom.

Vehicle Photography

I arrived at the San Diego Police Department Southern Division substation on September 28, 2015, at approximately 0919 hours. I met Detective K. Collier, ID #5537, and Detective A. Lozano, ID #4819, at this location. I took digital images #229 through #230, starting at approximately 0924 hours. No evidence was collected.

#229: View of San Diego Police Department patrol vehicle 6862¹ with California exempt license plate "1242792."

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#230: View of San Diego Police Department patrol vehicle 6841⁷ with California exempt license plate "1269680."

Autopsy

I arrived at the San Diego County Medical Examiner's Office on September 29, 2015, at approximately 0900 hours, with Crime Scene Specialist E. Castaneda, ID #0284, to attend the autopsy of the suspect Alberto Hernandez [REDACTED]. We met Detective K. Collier, ID #5537, at this location. I took digital images #231 through #529, starting at approximately 1004 hours. I collected and/or received items of evidence starting at approximately 1008 hours.

Photography

- #231 - #233: Views of the sealed body bag, red lock and name tag.
- #234 - #235: Views of the suspect, before the sheet was removed.
- #236 - #237: Views of the suspect before the head, hand and foot bags were removed.
- #238 - #247: Views of the left and right sides of the suspect after the head, hand and foot bags were removed.
- #248 - #260: Views of the suspect's hands.
- #261 - #263: Views of the keys (10537455).
- #264 - #265: Views of the jeans (10537450) and shorts (10537440).
- #266 - #274: Views of the jeans, including the medical intervention cuts and holes.
- #275 - #285: Views of the tank-style shirt (10537429), including the medical intervention cuts and holes.

Digital images #286 through #379 were taken of the suspect in an unwashed and unclothed condition.

- #286 - #295: Views of the left and right sides of the suspect.
- #296 - #317: Views of the suspect's hands.
- #318 - #321: Views of discoloration on the suspect's left hand.

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- #322 - #323: Views of the apparent injury and black residue on the suspect's left hand.
- #324 - #329: Views of the suspect's right hand, including views of the discoloration on the right wrist.
- #330 - #331: Views of the injury on the suspect's left leg.
- #332 - #335: Views of the injuries in the suspect's abdomen and pelvis.
- #336 - #338: Views of the injury on the suspect's torso.
- #339 - #350: Views of the injuries on the suspect's face and right ear.
- #351 - #354: Views of the injuries on the suspect's right arm.
- #355 - #358: Views of the injuries on the suspect's torso.
- #359 - #360: Views of the area from which a bullet (10537461) was recovered.
- #361 - #366: Views of the injuries on the suspect's right arm.
- #367 - #368: Views of the injuries on the suspect's right leg.
- #369 - #373: Views of the suspect's back side.
- #374 - #375: Views of the injury on the suspect's left leg.
- #376 - #379: Views of the injuries on the suspect's right arm.

Digital images #380 through #517 were taken of the suspect in a washed and unclothed condition.

- #380 - #394: Views of the left, right and front sides of the suspect.
 - #395 - #407: Views of the suspect's hands.
 - #408 - #409: Views of the injury on the suspect's left leg.
 - #410 - #413: Views of the injuries on the suspect's abdomen and pelvis.
 - #414 - #421: Views of the discoloration and injuries on the suspect's left hand and elbow.
-

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- #422 - #423: Views of the injuries on the suspect's torso.
 - #424 - #425: Views of the scar on the suspect's left arm.
 - #426 - #437: Views of the injuries on the suspect's face and right ear.
 - #438 - #441: Views of the injuries on the suspect's right arm.
 - #442 - #447: Views of the injuries on the suspect's torso.
 - #448 - #454: Views of the injuries on the suspect's right arm.
 - #455 - #458: Views of the injuries on the suspect's right leg.
 - #459 - #467: Views of the injuries on the suspect's torso, after Dr. Schaber labeled them 1 through 4.
 - #468 - #477: Views of the trajectory rod placed through the suspect's injuries by Dr. Schaber.
 - #478 - #482: Views of the suspect's back side.
 - #483 - #484: Views of the area from which a bullet (10537467) was recovered.
 - #485 - #490: Views of the injury on the suspect's left leg, including views of the trajectory rod placed through the injury by Dr. Schaber.
 - #491 - #495: Views of the bullet (10537461), and the area from which it was recovered.
 - #496 - #499: Views of the bullet (10537464), and the area from which it was recovered.
 - #500 - #503: Views of the bullet (10537465), and the area from which it was recovered.
 - #504 - #506: Views of the injuries on the suspect's heart.
 - #507 - #510: Views of the injuries on the suspect's lung.
 - #511 - #514: Views of the bullet (10537467), and the area from which it was recovered.
 - #515 - #517: Views of the injury on the suspect's left rib cage.
 - #518 - #529: Views of the suspect's x-rays.
-

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Evidence

- 10537392:** One paper bag removed from the suspect's right foot.
- 10537396:** One paper bag removed from the suspect's left foot.
- 10537399:** One paper bag removed from the suspect's right hand.
- 10537401:** One paper bag removed from the suspect's left hand.
- 10537402:** One paper bag removed from the suspect's head.
- 10537404:** One gunshot residue kit #9966, a sampling was collected from the suspect's hands.
- 10537406:** Fingernail scrapings collected from the left hand of the suspect.
- 10537407:** Fingernail scrapings collected from the right hand of the suspect.
- 10537408:** Two reference mouth swabs (used simultaneously).
- 10537409:** Plucked head hair.

The following three items of evidence were collected from beneath the suspect.

- 10537429:** One blood soaked, red "FRUIT OF THE LOOM" size "L" tank-style shirt with apparent medical intervention cuts and holes in it.
- 10537440:** One pair of blue and green, "R3 SPORTSWEAR" size "L" athletic shorts with apparent bloodstains and apparent medical intervention cuts.
- 10537450:** One pair of "RUSTLER" size "32 X 30" blue denim jeans with apparent bloodstains, apparent medical intervention cuts and holes in them.

I received the following eight items of evidence from Forensic Autopsy Specialist J. Boyer.

- 10537455:** One set of keys consisting of the following:
- One apparent vehicle key, two silver-colored keys and one gold-colored apparent house key.
 - One blue bottle opener and one silver-colored key fob with "L.A.P" engraved on one side.

CRIME SCENE UNIT
Crime Scene Unit Report 1
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- One electronic key fob.

10537461: One bullet. This item was received in a sealed envelope labeled "Rt Flank."
10537464: One bullet. This item was received in a sealed envelope labeled "Rt Lung."
10537465: One bullet. This item was received in a sealed envelope labeled "Pelvis."
10537467: One bullet. This item was received in a sealed envelope labeled "Left Back."
10537470: One set of inked finger and palm prints.
10537472: One rib bone sample.
10537475: One vial of the suspect's blood.
10537476: One reference bloodstain card, prepared from the vial of the suspect's blood (10537475), in the San Diego Police Department Crime Scene Unit on October 1, 2015, at approximately 1226 hours.

Discs

10537820: One "Master" DVD containing digital images #1 through #230 of the scene.
10537821: One "Working Copy" DVD containing digital images #1 through #230 of the scene.
10537822: One "Master" DVD containing digital images #231 through #529 of the autopsy.
10537823: One "Working Copy" DVD containing digital images #231 through #529 of the autopsy.

CRIME SCENE UNIT
Crime Scene Unit Report 1
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DISPOSITION OF EVIDENCE

Each item of evidence was assigned a unique barcode and will be impounded in the *Headquarters Property Room* under *Incident #15090056613*.

Copies of the "Working Copy" DVD's were released to Detective K. Collier, ID #5537, Homicide Team IV.

[REDACTED]
Ally Southerland, ID #8841
Crime Scene Specialist
October 9, 2015

Technical Review: [REDACTED] 9026 Date: 100915
Administrative Review: [REDACTED] 8791 Date: 10-12-2015



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**

CRIME SCENE UNIT LABORATORY REPORT



VICTIM: SDPD Officer J. McCOY, ID #7099
VICTIM: SDPD Officer J. WELLS, ID #7319
VICTIM: SDPD Officer B. LULL, ID #7300
SUSPECT: HERNANDEZ, Alberto
CHARGE: OIS/Special Investigation/ 417.4 PC
INCIDENT #: 15090056613
CASE #: 15-042053/ 15-042057
HOMICIDE TEAM IV: Detective K. Collier/ Sergeant P. Conley
DATE OF INCIDENT: September 28, 2015 (Monday)
SCENE LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]
CRIME SCENE SPECIALIST: Katie Boyd

CRIME SCENE UNIT REPORT 2

Officer Processing (Officer D. Bishop, ID #5937)

I arrived at the Crime Scene Unit Studio on September 28, 2015, at approximately 0750 hours to process San Diego Police Department Officer D. Bishop, ID #5937. I met Homicide Detective J. Reif, ID #5095, at this location. I took images #1 through #23, starting at approximately 0750 hours. I received the officer's firearm at approximately 0755 hours.

Photography

- #1 - #12: Views of the front, left, back, and right sides of the officer.
- #13 - #14: Views of the officer's hands.
- #15 - #18: Views of the officer's nametag, breast badge, and body camera mount.
- #19 - #23: Views of the officer's duty belt.

Officer's Firearm

I received one "SIG SAUER P229" handgun with serial number [REDACTED] and one magazine from Officer D. Bishop, ID #5937, in the Crime Scene Unit Studio. I received two additional magazines from Detective J. Rief, ID #5095, in the Crime Scene Unit at approximately 0815 hours. Please refer to the criminalist's firearms processing report for the contents of the firearm and the magazines.

CRIME SCENE UNIT
Crime Scene Unit Report 2
Incident #15090056613
Case #15-042053
October 6, 2015
Page 2 of 4

Officer Processing (Officer J. Wells, ID #7319)

While at the Crime Scene Unit Studio on September 28, 2015, at approximately 0759 hours I processed San Diego Police Department Officer J. Wells, ID #7319. I met Homicide Detective J. Reif, ID #5095, at this location. I took images #24 through #46, starting at approximately 0758 hours. I received the officer's firearm at approximately 0803 hours.

Photography

- #24 - #35: Views of the front, left, back, and right sides of the officer.
- #36 - #37: Views of the officer's hands.
- #38 - #42: Views of the officer's nametag, breast badge, and body camera.
- #43 - #46: Views of the officer's duty belt.

Officer's Firearm

I received one "GLOCK 17 Gen 4" handgun with serial number [REDACTED] and three magazines from Officer J. Wells, ID #7319, in the Crime Scene Unit Studio. Please refer to the criminalist's firearms processing report for the contents of the firearm and the magazines.

Officer Processing (Officer B. Lull, ID #7300)

While at the Crime Scene Unit Studio on September 28, 2015, at approximately 0805 hours I processed San Diego Police Department Officer B. Lull, ID #7300. I met Homicide Detective J. Reif, ID #5095, at this location. I took images #47 through #68, starting at approximately 0805 hours. I received the officer's firearm at approximately 0809 hours.

Photography

- #47 - #58: Views of the front, left, back, and right sides of the officer.
- #59 - #60: Views of the officer's hands.
- #61 - #64: Views of the officer's nametag, breast badge, and body camera.
- #65 - #68: Views of the officer's duty belt.

CRIME SCENE UNIT
Crime Scene Unit Report 2
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October 6, 2015
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Officer's Firearm

I received one "GLOCK 17 Gen 4" handgun with serial number [REDACTED] and three magazines from Officer B. Lull, ID #7300, in the Crime Scene Unit Studio. Please refer to the criminalist's firearms processing report for the contents of the firearm and the magazines.

Officer Processing (Officer J. McCoy, ID #7099)

I arrived at the Crime Scene Unit Studio on September 28, 2015, at approximately 0843 hours to processed San Diego Police Department Officer J. McCoy, ID #7099. I met Homicide Detective J. Reif, ID #5095, at this location. I took images #69 through #90, starting at approximately 0843 hours. I received the officer's firearm at approximately 0846 hours.

Photography

- #69 - #80: Views of the front, left, back, and right sides of the officer.
- #81 - #82: Views of the officer's hands.
- #83 - #86: Views of the officer's nametag, breast badge, and body camera.
- #87 - #90: Views of the officer's duty belt.

Officer's Firearm

I received one "GLOCK 17 Gen 4" handgun with serial number [REDACTED] and three magazines from Officer J. McCoy, ID #7099, in the Crime Scene Unit Studio. Please refer to the criminalist's firearms processing report for the contents of the firearm and the magazines.

Discs


- 10538753:** One "MASTER" disc containing images #1 through #90 of the officer processing.
 - 10538754:** One "WORKING COPY" disc containing images #1 through #90 of the officer processing.
-

CRIME SCENE UNIT
Crime Scene Unit Report 2
Incident #15090056613
Case #15-042053
October 6, 2015
Page 4 of 4

DISPOSITION OF EVIDENCE

The officers' firearms and magazines were released to Sergeant P. Conley, ID #4673.

The discs, which were each assigned a unique barcode, were impounded in the *Headquarters Property Room* under *Incident #15090056613*.


Katie Boyd, ID #8260
Crime Scene Specialist
October 6, 2015

Technical Review:  9/16/1 Date: 10-07-15
Administrative Review  8/19/ Date: 10.7.2015



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**



FIREARMS UNIT LABORATORY REPORT

VICTIM 1:	SDPD Officer McCOY, Jeffrey, ID #7099
VICTIM 2:	SDPD Officer WELLS, Jonathan, ID #7319
VICTIM 3:	SDPD Officer LULL, Brandon, ID #7300
SUSPECT:	HERNANDEZ, Alberto
CHARGE:	OIS/Special Investigation
CASE #:	15-042053
INCIDENT #:	15090056613
HOMICIDE TEAM 4:	Detective Collier / Sergeant Conley
DATE OF INCIDENT:	September 28, 2015 (Monday)
SCENE LOCATION:	1170 West San Ysidro Boulevard
CRIME SCENE SPECIALIST:	Ally Southerland
CRIMINALIST:	Lisa K. Wilson

EVIDENCE EXAMINED

SDPD Officer Brandon LULL, ID #7300:

One Glock semiautomatic pistol, Model 17 Gen 4, serial number [REDACTED] chambered in 9mm Luger caliber with three magazines.

RESULTS AND CONCLUSIONS

The Glock pistol from SDPD Officer Lull was received with a seated magazine, the slide closed, striker set, and a loaded chamber. The seated magazine (#1) contained eleven cartridges. The two extra magazines (#2, 3) each contained seventeen cartridges. All cartridges were consistent with Department issue ammunition. The capacity of each of the three magazines is seventeen cartridges. The total capacity of the pistol with one cartridge in the chamber and a full inserted magazine is eighteen cartridges ("hot loaded"). This evidence indicated that if the pistol was "hot loaded," six cartridges had been fired from this pistol. The pistol was testfired and found to operate normally.

DISPOSITION OF EVIDENCE

The Glock pistol was returned to the Crime Scene Unit gun locker on September 29, 2015. The Firearms Processing Packet was entered into the electronic evidence system (Barcode 10536659) and released to the Property Room on September 30, 2015.

[REDACTED]

Lisa K. Wilson, ID# 8512
Criminalist / Firearms Unit

September 30, 2015

Technical Review: [REDACTED]

Administrative Review: [REDACTED]

Date: 09/30/15

Date: 9-30-15



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION
FIREARMS UNIT LABORATORY REPORT**



VICTIM 1: SDPD Officer McCOY, Jeffrey, ID#7099
VICTIM 2: SDPD Officer WELLS, Jonathan, ID#7319
VICTIM 3: SDPD Officer LULL, Brandon, ID#7300
SUSPECT: HERNANDEZ, Alberto
CHARGE: O.I.S. / Special Investigation
CASE #: 15-042053
INCIDENT #: 15090056613
HOMICIDE TEAM IV: Detective Collier / Sergeant Conley
DATE OF INCIDENT: September 28, 2015
SCENE LOCATION: 1170 West San Ysidro Boulevard
CRIME SCENE SPECIALIST: Ally Southerland
CRIMINALIST: Eugene LaChimia

EVIDENCE EXAMINED:

One Glock, model 17 Gen 4, semiautomatic pistol, serial [REDACTED] chambered in 9mm Luger caliber, with one inserted magazine and two spare magazines from SDPD Officer J. McCoy

RESULTS AND CONCLUSIONS:

The Glock pistol from Officer J. McCoy was received with a seated magazine, the slide closed, and a cartridge in the chamber. The seated magazine contained fourteen cartridges. The two spare magazines each contained seventeen cartridges. All cartridges were consistent with Department ammunition. The capacity of each of the magazines is seventeen cartridges. The total capacity of the pistol with one cartridge in the chamber and a full inserted magazine is eighteen cartridges ("hot loaded"). This evidence indicated that if the pistol was "hot loaded," three cartridges had been fired from this pistol. The pistol was testfired and found to operate normally.

DISPOSITION OF EVIDENCE:

The Glock pistol and magazines from Officer J. McCoy were released to Crime Scene Unit gun locker. The Firearms Processing Packet for the pistol and magazines was entered into the evidence barcode system (Barcode 10536454) and taken to the Property Room.

[REDACTED]
Eugene J. LaChimia, ID# 8757

Criminalist

September 29, 2015

Technical Review [REDACTED] Date: 29 Sep 15

Administrative Review [REDACTED] Date: 9-29-15



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**



FIREARMS UNIT LABORATORY REPORT

OFFICER INVOLVED #1: MCCOY, Jeffrey (SDPD ID #7099)
OFFICER INVOLVED #2: WELLS, Jonathan A. (SDPD ID #7319)
OFFICER INVOLVED #3: LULL, Brandon K. (SDPD ID #7300)
SUSPECT: HERNANDEZ, Alberto
CHARGE: O.I.S./Special Investigation
INCIDENT#/CASE #: 15090056613/15-042053/15-042057
HOMICIDE TEAM IV: Sergeant Paul Conley/Detective Kim Collier
DATE OF INCIDENT: September 28, 2015 (Monday)
SCENE LOCATION: 1170 San Ysidro Boulevard [REDACTED]
CRIMINALIST: Bill W. Loznycky, Jr.

Barcode #10536244 (Firearms Processing Packet – WELLS)

EVIDENCE SUBMITTED

EVIDENCE TO BE EXAMINED

SDPD Officer WELLS, Jonathan A., ID #7319;
One Glock, Model 17 GEN 4, 9mm Luger caliber, semi-automatic pistol, serial number [REDACTED] one "loose" 9mm Luger caliber cartridge (Federal brand and Department Approved); fifteen 9mm Luger caliber cartridges (Federal brand and Department Approved), in its unseated (not in place), seventeen cartridge capacity pistol magazine #1, seventeen 9mm Luger caliber cartridges (Federal brand and Department Approved), in its unseated (not in place), seventeen cartridge capacity pistol magazine #2, and seventeen 9mm Luger caliber cartridges (Federal brand and Department Approved), in its unseated (not in place), seventeen cartridge capacity pistol magazine #3.

CONCLUSION/EXAMINATION:

SDPD Officer WELLS, Jonathan A., ID #7319;

The Glock model pistol was received with its trigger set, its slide locked back (out of battery), and its three magazines #1, #2, and #3 unseated. One "loose" 9mm Luger caliber cartridge was found with the pistol.

The unseated magazine #1 was examined and fifteen 9mm Luger caliber cartridges were found in the magazine (seventeen cartridge capacity). The unseated magazine #2 was examined and seventeen 9mm Luger caliber cartridges were found in the magazine (seventeen cartridge

FIREARMS UNIT LABORATORY REPORT
INC #15090056613/Case #15-042053/15-042057
Date September 29, 2015
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capacity). The unseated magazine #3 was examined and seventeen 9mm Luger caliber cartridges were found in the magazine (seventeen cartridge capacity).

The capacity of Glock model pistol in the "Hot Loaded" condition with any one of unseated magazines #1, #2, and #3 [one cartridge in the chamber and seventeen cartridges in any one of the unseated magazines #1, #2, and #3] is eighteen cartridges. The total capacity of this model pistol "Hot Loaded" with the three unseated magazines #1, #2, and #3 submitted with the pistol is fifty-two cartridges.

Fifty cartridges were received with the pistol. Fifty-two cartridges minus the fifty cartridges received with the pistol equals two cartridges. This would indicate that **SDPD Officer WELLS fired his pistol two times**. The number of shots fired would be less than two if the officer loaded the pistol's unseated magazine #1 to less than its seventeen cartridge capacity.

The Glock model pistol was checked for function and safety and the pistol was found to be operable.

No further information was obtained. Details of all examinations are on file at the Laboratory.

DISPOSITION OF EVIDENCE:

The Glock model pistol and its three magazines #1, #2, and #3 were released to Crime Scene Specialist Katie BOYD, ID #8260, on September 29, 2015, by this analyst. The pistol's "Firearms Processing Packet" (Barcode #10536244 – item #2 – WELLS) was impounded in the Property Room September 29, 2015 by this analyst.

REPORTS:

Original, Copy: Laboratory
Copy: Detective Kim Collier

[REDACTED]
Bill W. Loznycky, Jr., ID #8176
Criminalist/Firearms Unit
September 29, 2014

Technical Review: [REDACTED] 8757 Date: 9-30-15

Administration Review: [REDACTED] Date: 9-30-15



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION
FIREARMS UNIT LABORATORY REPORT**



VICTIM 1: SDPD Officer McCoy, Jeffery, ID #7099
VICTIM 2: SDPD Officer WELLS, Jonathan, ID #7319
VICTIM 3: SDPD Officer LULL, Brandon, ID #7300
VICTIM 4: SDPD Officer BISHOP, Dean, ID #5937
SUSPECT: HERNANDEZ, Alberto
CHARGE: OIS/Special Investigation
CASE #: 15-042053
INCIDENT #: 15090056613
HOMICIDE TEAM 4: Detective Collier / Sergeant Conley
DATE OF INCIDENT: September 28, 2015 (Monday)
SCENE LOCATION: 1170 West San Ysidro Boulevard
CRIME SCENE SPECIALIST: Ally Southerland
CRIMINALIST: Toniann Rebick

EVIDENCE EXAMINED:

SDPD Officer Dean Bishop, ID #5937

One Sig Sauer, model P229, semi-automatic pistol, chambered in 9mm Luger.
S/N: [REDACTED] with three magazines

RESULTS AND CONCLUSIONS:

The Sig Sauer pistol was received with the slide closed, the hammer uncocked, an empty chamber, a seated magazine and two extra magazines. All three magazines were received empty. The capacity of each of the three magazines is thirteen. The total capacity of the pistol with one round in the chamber and a full magazine is fourteen cartridges ("hot loaded"). The pistol is consistent with having not been loaded. The pistol was test fired and found to operate normally.

Details of all examinations are on file in the laboratory.

DISPOSITION OF EVIDENCE:

One Firearms Processing Packet was booked into Property under Barcode #10537035. The evidence was returned to the Crime Scene Unit Gun Cabinet on September 30, 2015.

[REDACTED] # 8154
Toniann Rebick, ID# 8154
Criminalist II
September 30, 2015

Technical Review [REDACTED] 8512 Date: 02 Oct 15

Administrative Review [REDACTED] Date: 10-6-15

CRIME REPORT		SAN DIEGO REGIONAL CRIME/INCIDENT REPORT			INCIDENT NUMBER 15090056613	
BEAT 712	RELATED RPT #S	DATE 09/28/2015 - 09/28/2015	DAY OF WEEK Monday - Monday	PAGE 1 of 4	CASE NUMBER 15042053	
CODE SECTION AND DESCRIPTION ZZ / 981000 / MISCELLANEOUS INCIDENTS		TIME 01:04 - 02:07		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]				CITY SAN DIEGO		

VICTIM / WITNESS									
V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Wells, Jonathan							
RESIDENCE ADDRESS				CITY		STATE		ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	V/W ASSIST N	
CONTACT WORK PHONE [REDACTED]									
ID SD 7319									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST		CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Lull, Brandon							
RESIDENCE ADDRESS				CITY		STATE		ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	V/W ASSIST N	
CONTACT WORK PHONE [REDACTED]									
ID SD 7300									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST		CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V	W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) McCoy, Jeffrey							
RESIDENCE ADDRESS				CITY		STATE		ZIP	
RACE W	SEX M	DATE OF BIRTH / /	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT ACQT STRNG	V/W ASSIST N	
CONTACT WORK PHONE [REDACTED]									
ID SD 7099									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST		CITY SAN DIEGO		STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 15:56
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CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

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INCIDENT NUMBER
15090056613
CASE NUMBER
15042053

M.O. INFORMATION

TOTAL # OF WITNESSES AT CRIME 0	PLACE OF ATTACK 1. Structure	SURROUNDING AREA 1. Residential
TYPE OF STRUCTURE RESIDENTIAL 1. APARTMENT/CONDO		
TARGET(S) 13. Other:		
POINT OF ENTRY 0. N/A		
SECURITY USED 0. N/A		
TYPE LOCK ATTACKED 0. N/A		
SUSPECT ACTIONS 60. Other: pointed replica firearm at Officers		
VICTIM INJURED	EXTENT OF TREATMENT	SIC No ADULT

SUSPECT(S)

ARRESTED N	SUSPECT NAME (LAST, FIRST MIDDLE) Hernandez, Alberto				NICKNAME/AKA			
RACE H	SEX M	AGE 59	DOB 11/28/1955	HEIGHT 5'08" -	WEIGHT 190 -	BUILD FAT -	HAIR COLOR BRO	EYE COLOR BRO
SUSPECT'S ADDRESS				CITY	STATE	ZIP		
ID								
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)								
SUSPECT'S CLOTHING								
HAIR LENGTH/TYPE SHORT 4. THINNING	HAIR STYLE 1. AFRO/NATURAL	FACIAL HAIR 1. CLEAN SHAVEN	COMPLEXION 5. MEDIUM	GENERAL APPEARANCE 1. CASUAL	DEMEANOR 5. IRRATIONAL	SPEECH 0. UNKNOWN	VOICE 0. UNKNOWN	

EVIDENCE

EVIDENCE OBTAINED	TAG NUMBERS
	None
See Evidence Collection Section for Details	WITNESS CHECK

OFFICER ASSAULT (OAK)

VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

ARSON

ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$	ABANDONED
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REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 15:56
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CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

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INCIDENT NUMBER
15090056613
CASE NUMBER
15042053

EVIDENCE COLLECTION

Officer's Investigation

I conducted the following attempts to locate, collect, and preserve evidence from the crime scene at

1170 W SAN YSIDRO(SB) (SB) BL SAN DIEGO CA 92173

LATENT PRINTS:

I made attempts to lift latent prints: N

If NO, explain:

OTHER PHYSICAL EVIDENCE:

I made attempts to locate other physical evidence at the scene: Y

I recovered evidence listed in the spaces below (include photographs also):

Item Description	By Whom
How Marked	Disposition
Location Found	Tag Number
	None

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 15:56
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(Revised 09/2013 Electronic)

CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT

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INCIDENT NUMBER

15090056613

CASE NUMBER

15042053

Refer to SDPD Homicide Team IV O.I.S Book for further details.

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 15:56
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(Revised 09/2013 Electronic)

SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

INCIDENT NUMBER 15090056613	
PAGE 1 of 2	CASE NUMBER 00000000

VICTIM / WITNESS											
<input type="checkbox"/>	<input type="checkbox"/>	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)								
W		06									
RESIDENCE ADDRESS			CITY				STATE		ZIP		
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM	RELATION TO SUSPECT	VW ASSIST		
							STRNG	STRNG	N		
CONTACT											
ID											
STATUS	EMPLOYER (RANK IF MILITARY)			BUSINESS ADDRESS			CITY		STATE		ZIP
ADDITIONAL INFORMATION											

VICTIM / WITNESS											
<input type="checkbox"/>	<input type="checkbox"/>	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)								
W		06									
RESIDENCE ADDRESS			CITY				STATE		ZIP		
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM	RELATION TO SUSPECT	VW ASSIST		
									N		
ID											
STATUS	EMPLOYER (RANK IF MILITARY)			BUSINESS ADDRESS			CITY		STATE		ZIP
ADDITIONAL INFORMATION											

VICTIM / WITNESS											
<input type="checkbox"/>	<input type="checkbox"/>	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)								
W		06									
RESIDENCE ADDRESS			CITY				STATE		ZIP		
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM	RELATION TO SUSPECT	VW ASSIST		
									N		
ID											
STATUS	EMPLOYER (RANK IF MILITARY)			BUSINESS ADDRESS			CITY		STATE		ZIP
ADDITIONAL INFORMATION											

REPORTING OFFICER AMANDA ESTRADA	I.D. # 6962	DIVISION S1	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 11:44
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SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

CRIME REPORT		INCIDENT NUMBER 15090056613					
				PAGE 1 of 4			
BEAT 712	RELATED RPT #S	DATE 09/28/2015 - 09/28/2015	DAY OF WEEK Monday - Monday	TIME 01:04 - 02:07	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CODE SECTION AND DESCRIPTION PC / 417.4 / BRANISH FIREARM REPLICA							
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL						CITY SAN DIEGO	

VICTIM / WITNESS									
V		W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) McCoy, Jeffrey						
RESIDENCE ADDRESS			CITY				STATE		ZIP
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT WORK PHONE [REDACTED]									
ID SD 7099									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST			CITY SAN DIEGO	STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V		W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Wells, Jonathan						
RESIDENCE ADDRESS			CITY				STATE		ZIP
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT WORK PHONE [REDACTED]									
ID SD 7319									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST			CITY SAN DIEGO	STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V		W TYPE 06	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Lull, Brandon						
RESIDENCE ADDRESS			CITY				STATE		ZIP
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT WORK PHONE [REDACTED]									
ID SD 7300									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer		BUSINESS ADDRESS 1120 27TH ST			CITY SAN DIEGO	STATE CA	ZIP 92102	
ADDITIONAL INFORMATION									

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 16:33
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CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

PAGE
2 of 4

INCIDENT NUMBER
15090056613
CASE NUMBER
15042057

M.O. INFORMATION

TOTAL # OF WITNESSES AT CRIME 0	PLACE OF ATTACK 1. Structure	SURROUNDING AREA 2. Business
TYPE OF STRUCTURE RESIDENTIAL 1. APARTMENT/CONDO		
TARGET(S) 13. Other:		
POINT OF ENTRY 0. N/A		
SECURITY USED 0. N/A		
TYPE LOCK ATTACKED 0. N/A		
SUSPECT ACTIONS 60. Other: Pointed replica firearm at Officers		
VICTIM INJURED	EXTENT OF TREATMENT	SIC No ADULT

SUSPECT(S)

ARRESTED N	SUSPECT NAME (LAST, FIRST MIDDLE) Hernandez, Alberto				NICKNAME/AKA			
RACE H	SEX M	AGE 59	DOB 11/28/1955	HEIGHT 5'08" -	WEIGHT 190 -	BUILD FAT -	HAIR COLOR BRO	EYE COLOR BRO
SUSPECT'S ADDRESS			CITY			STATE		ZIP
ID								
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)								
SUSPECT'S CLOTHING								
HAIR LENGTH/TYPE SHORT 4, THINNING	HAIR STYLE 1. AFRO/NATURAL	FACIAL HAIR 1. CLEAN SHAVEN	COMPLEXION 5. MEDIUM	GENERAL APPEARANCE 1. CASUAL	DEMEANOR 5. IRRATIONAL	SPEECH 0. UNKNOWN	VOICE 0. UNKNOWN	

EVIDENCE

EVIDENCE OBTAINED	TAG NUMBERS
	None
See Evidence Collection Section for Details	WITNESS CHECK

OFFICER ASSAULT (OAK)

VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

ARSON

ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$	ABANDONED
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REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 16:33
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CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

PAGE
3 of 4

INCIDENT NUMBER

15090056613

CASE NUMBER

15042057

EVIDENCE COLLECTION

Officer's Investigation

I conducted the following attempts to locate, collect, and preserve evidence from the crime scene at

1170 W SAN YSIDRO(SB) (SB) BL

SAN DIEGO

CA

92173

LATENT PRINTS:

I made attempts to lift latent prints:

N

If NO, explain:

OTHER PHYSICAL EVIDENCE:

I made attempts to locate other physical evidence at the scene: Y

I recovered evidence listed in the spaces below (include photographs also):

Item Description

By Whom

How Marked

Disposition

Location Found

Tag Number

None

REPORTING OFFICER
JUAN CISNEROS

I.D. #
5811

DIVISION
INV_HOMICIDE

AGENCY
SDPD

DATE OF REPORT
9/29/2015

TIME
16:33

CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

PAGE
4 of 4

INCIDENT NUMBER
15090056613

CASE NUMBER
15042057

Refer to SDPD Homicide Team IV O.I.S Book for further details.

REPORTING OFFICER JUAN CISNEROS	I.D. # 5811	DIVISION INV. HOMICIDE	AGENCY SDPD	DATE OF REPORT 9/29/2015	TIME 16:33
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(Revised 09/2013 Electronic)

OIS Case #: 15-042053

Officers: McCoy, Jeffrey; Wells, Jonathon; Lull, Brandon

Suspect: Hernandez, Alberto

Date/Time: 9/28/15 @ 0127 Hrs

Location: 1170 West San Ysidro Boulevard, [REDACTED]

San Diego, CA

Scene Investigator: Det. K Collier, #5537

Approved by: SGT. P. Conley #4623

Prepared by: Leland Welsh, #0586

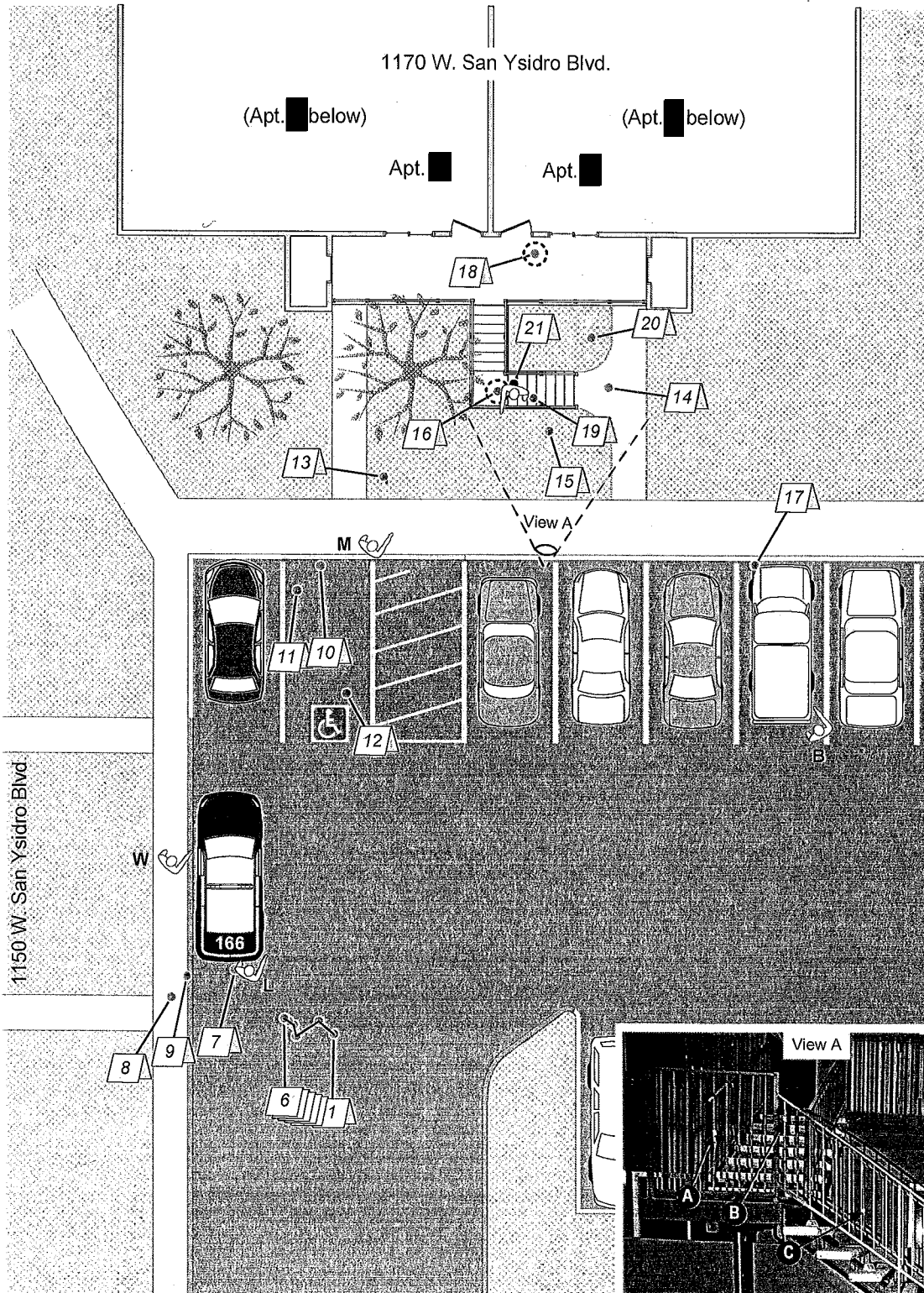
Reference
grid
North



Geographical
North



Not to Scale



Evidence Markers

- 1 - 6 Casings
- 7 Bullet
- 8 - 12 Casings
- 13 BB gun: Powerline by Daisy, .177-cal.
- 14 Bullet
- 15 Black gloves
- 16 - 19 Bullets
- 20 Bullet fragment
- 21 Swab of apparent blood
- 22 Handcuffs

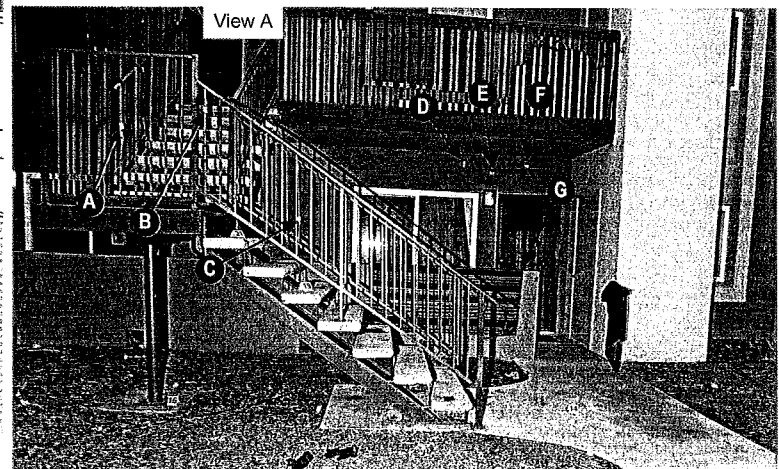
Bullet Strike Marks

- A Outer railing, at landing
- B Outer railing, just below landing
- C Inner railing, at sixth step up
- D Wall above door, Apt. [REDACTED]
- E Wall above door, Apt. [REDACTED]
- F Wall above door, Apt. [REDACTED]
- G Into door of Apt. [REDACTED]

Officer Locations

- B A/Sgt. Bishop
- L Lull, Brandon
- M McCoy, Jeffrey
- W Wells, Jonathon

- Key:
- Evidence lying on surface
 - Evidence within/under object
 - Location of blood or DNA swab



**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: OIS/Special Investigation – SDPD Case #15-042053
417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

INVESTIGATIVE FOLLOW-UP:

WITNESS OF MEDICAL EXAMINER SEAL:

On 09/28/2015, at approximately 0200 hours, I received a telephone call from Detective Sergeant Paul CONLEY from Homicide Team IV. Sergeant CONLEY informed me there had been an Officer Involved Shooting at 1170 W. San Ysidro Boulevard. I was instructed to meet with other investigators at the location.

At approximately 0300 hours, I arrived on scene and met with other members of Homicide Team IV. At approximately 0317 hours, we were briefed of the incident by Sergeant TIVANIAN #5871. During the briefing we learned a male at 1170 W. San Ysidro Boulevard [REDACTED] called into police dispatch at approximately 0104 hours requesting police assistance.

It was later learned at the conclusion of the briefing that the male was Alberto HERNANDEZ and he had actually told the dispatcher that he had a gun and was going to "Shoot her".

Southern Division Officers responded to the listed address and attempted to make contact at the front door of the apartment. Alberto answered the front door with a gun in his hand and then closed the door on the officers.

Officers tactically took positions of cover in the complex parking lot and attempted to call Alberto out of the apartment. Alberto eventually exited the apartment and began pointing the gun at Officers. Numerous commands to drop the weapon were made towards Alberto; however he continued pointing the gun at officers. Three officers fired at HERNANDEZ striking him several times. HERNANDEZ was transported to Mercy Hospital where he later succumbed to his injuries at 0207 hours.

At the conclusion of the scene briefing, I was tasked to meet with the Medical Examiner Investigator at Mercy Hospital. I arrived at Mercy Hospital at 0730 hours and met with Medical Examiner Investigator Mark MALAMATOS #16 and his assistant Sammy ABDAL #54830. MALAMATOS provided me Medical Examiner case [REDACTED]

I was present as MALAMATOS and ABDAL prepared HERNANDEZ's body to be transported to the Medical Examiner's Office.

Investigator's Report

Witness:

Case #15-020915; #15-020916

Page 2

Paper bags were placed on HERNANDEZ's right hand at 0801 hours and on his left hand at 0802 hours.

A Paper bag was placed on HERNANDEZ's head at 0804 hours

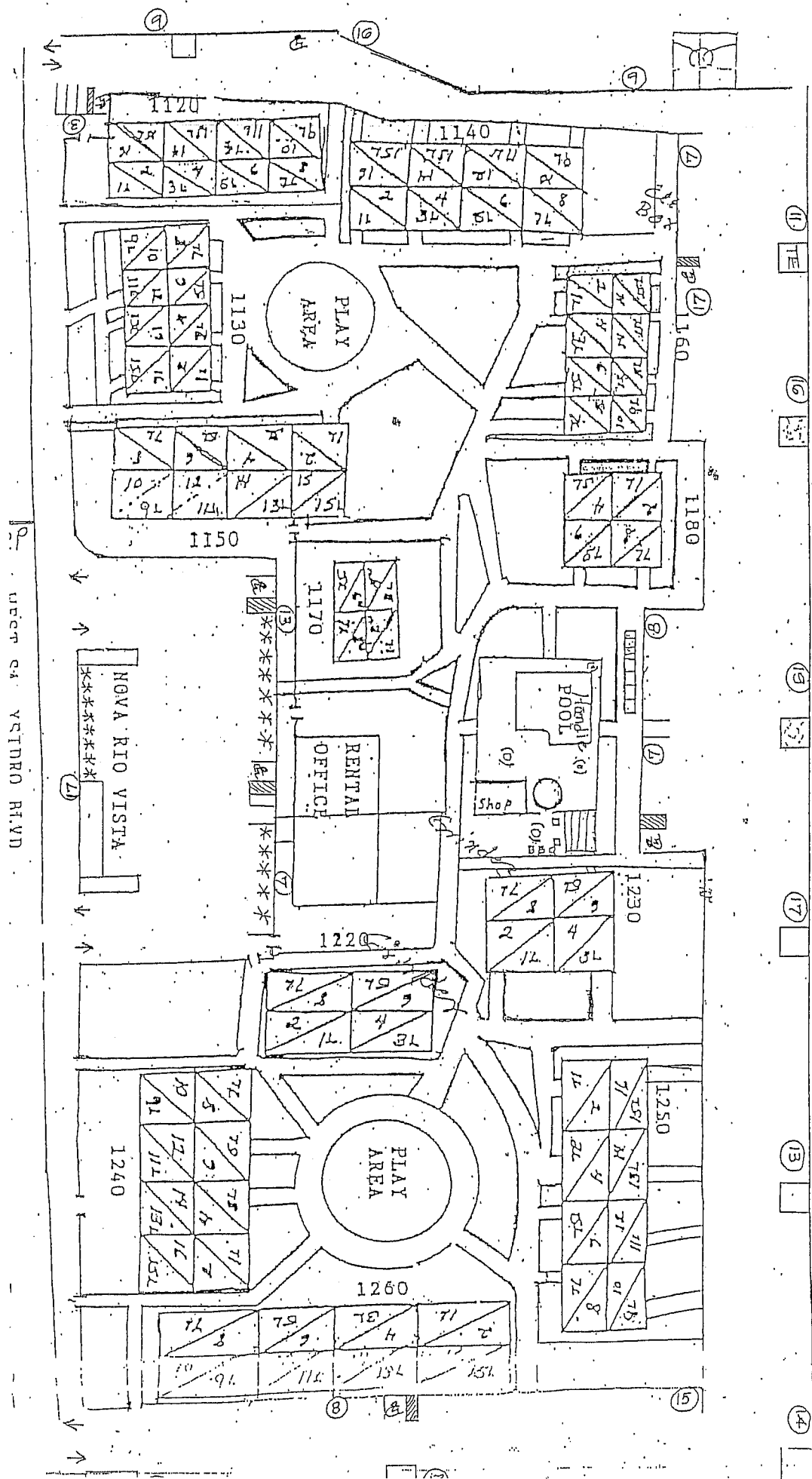
Paper bags were placed on HERNANDEZ's left foot at 0805 hours and his right foot at 0806 hours

HERNANDEZ's body along with his clothing and a set of keys were placed inside of a white body bag. The bag was sealed at 0810 hours with red seal [REDACTED] HERNANDEZ did not have any other visible property on his person.

I cleared from Mercy Hospital at approximately 0815 hours.

Reporting Detective JUAN CISNEROS I.D. 5811 Homicide Team: IV
Approved by: Sergeant P.D. Conley #4673 Date of this report: 10/01/2015 Time: 0945

APIS
1190 W. SAN YSIDRO BLVD.
SAN YSIDRO, CA.
(~~515-275-0000~~)



**SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE**

☐ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☐ CRIME
☐ OTHER

JNC#15090056613
PAGE 1 OF 2
CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)		MONTH 9	DAY 28	YEAR 15	DAY OF WEEK MONDAY	TIME
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO BLVD [REDACTED]		CITY			BEAT 712	DISTRICT
PERSON(S) INVOLVED: VICTIM		SUSPECT (IF NAMED)			PROPERTY TAG NO. (S)	

ORIGIN:
ON 9/28/15, AT APPROXIMATELY 0108 HOURS I RESPONDED TO A 911 RADIO CALL AT 1170 WEST SAN YSIDRO BLVD [REDACTED] FOR A MALE SAYING HE NEEDED POLICE. ON THE CALL THERE WAS INFORMATION THAT THE REPORTING PARTY SAID "I WANT TO SHOOT HER".

OFFICERS STATEMENT:
I ARRIVED ON SCENE WITH OFFICERS MCCOY #7099 AND HERKELMAN #7292. OFFICER MCCOY ADVISED ME THAT HE HAD BEEN TO THIS ADDRESS BEFORE AND HAD PLACED A MALE ON A SISO HOLD. OFFICER MCCOY AND I WENT UP THE STAIRS AND HE KNOCKED ON THE DOOR. I MOVED PAST A WINDOW THAT ALLOWED ME TO SEE INSIDE. I SAW A FEMALE WALKING TO THE DOOR AND ADVISED OFFICER MCCOY. WHEN THE DOOR OPENED I SAW OFFICER MCCOY DRAW HIS WEAPON AND SAY "PUT THE GUN DOWN."

OFFICER MCCOY, OFFICER HERKELMAN, AND I MOVED DOWN THE STAIRS AND TOOK POSITIONS ON THE GROUND FLOOR AROUND THE APARTMENT. I WAS ABLE TO SEE THE FRONT DOOR AND WINDOW FROM THE NORTH EAST CORNER OF THE APARTMENTS. WHILE AT MY POSITION I SAW THE DOOR OPEN AND A BLACK HANDGUN POINTED OUT FROM BEHIND THE DOOR. I GAVE SEVERAL COMMANDS FOR THE GUN TO BE DROPPED. I NEVER SAW THE GUN POINTED DOWN.

OFFICER HERKELMAN HAD CLEARED THE LOWER LEFT APARTMENT AND

REPORTING OFFICER K. BLACK	I.D. # 7310	DIVISION S-3	APPROVED BY: SGT. TRIVIANI #5871	DATE OF REPORT:	MONTH 9	DAY 28	YEAR 2015	TIME 0600
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WAS CONTACTING THE LOWER RIGHT APARTMENT WHEN I HEARD THAT
A MALE WAS COMING OUT OF THE APARTMENT. I SAW A MALE COMING
DOWN THE STAIRS WITH A BLACK GUN IN HIS HAND. I MOVED AROUND
A WALL TO COVER AFTER I DIDN'T THINK I HAD A CLEAR SHOT.
I HEARD SEVERAL COMMANDS GIVEN TO DROP THE GUN. I THEN HEARD
SEVERAL SHOTS AND SAW THE MALE DOWN ON THE STAIRS. OFFICERS
MOVED IN ON THE MALE AND SECURED HIM AND THE GUN. I COVERED
THE HOUSE NOT KNOWING IF THERE WERE OTHER PEOPLE WITH GUNS.
AFTER THE MALE WAS SECURED I CHECKED THE BACK SIDE OF THE
APARTMENT WITH OFFICER WELLS. WE GOT RESPONSES FROM THE TOP FLOOR
AND BOTTOM RIGHT THAT EVERYTHING WAS OK. THERE WAS NO RESPONSE
FROM THE BOTTOM LEFT APARTMENT.
AFTER CHECKING THE BACKSIDE OF THE APARTMENT I COMPLETED FIELD
INTERVIEWS AT 1170 WEST SAN YSIDRO BLVD. AFTER THAT I WAS
APPOINTED SCRIBE FOR THE SCENE.

☐ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☐ CRIME
☐ OTHER

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

Inc #15090056613

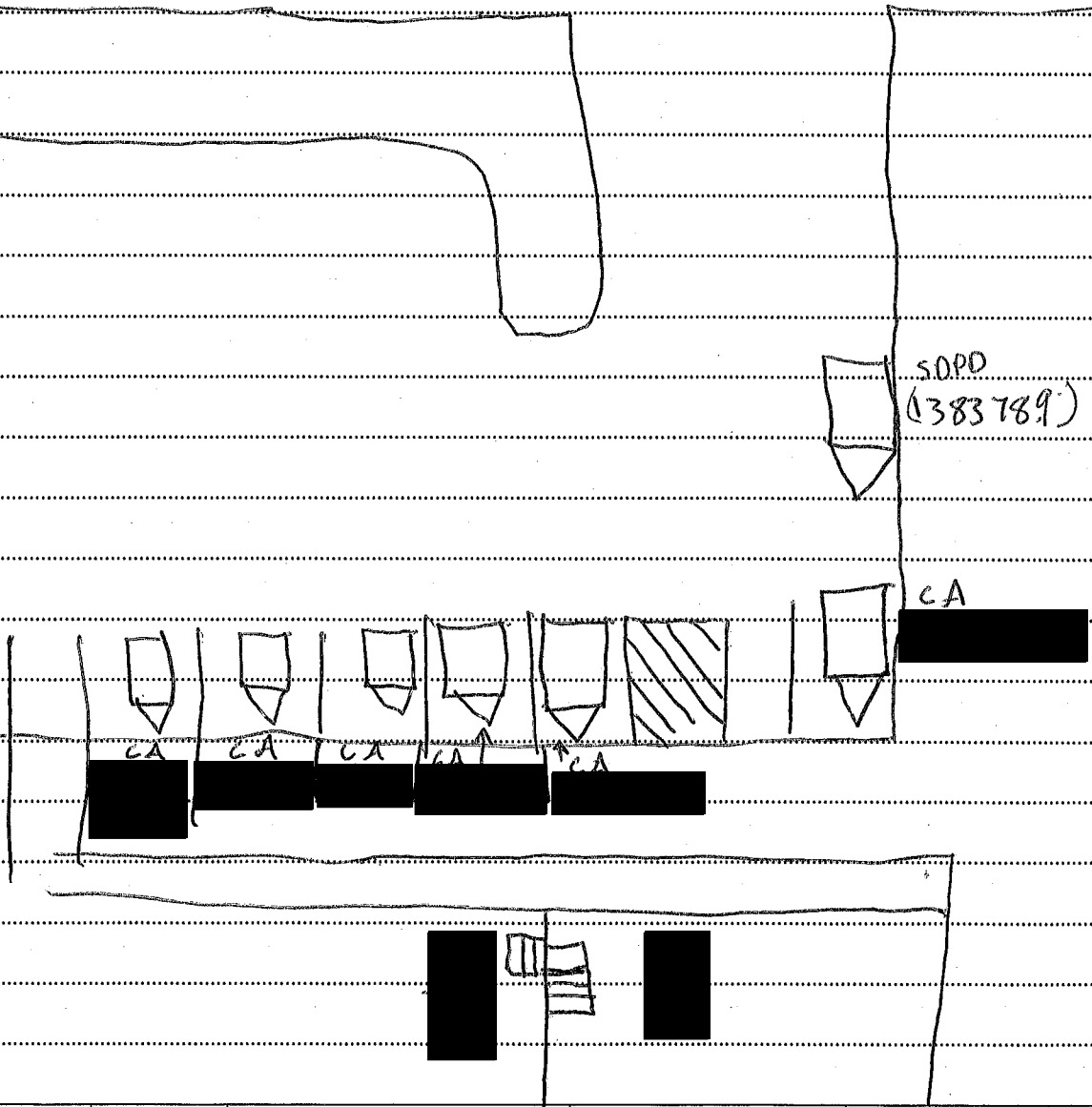
PAGE 1 OF 2 CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)	MONTH 9	DAY 28	YEAR 15	DAY OF WEEK MONDAY	TIME 0618
LOCATION OF INCIDENT (OR ADDRESS)	CITY			BEAT 712	DISTRICT
1170 W SAN YSIDRO BLVD [REDACTED]					
PERSON(S) INVOLVED: VICTIM	SUSPECT (IF NAMED)			PROPERTY TAG NO. (S)	

N↑

(NOT TO SCALE)

1100 W SAN YSIDRO BLVD.



REPORTING OFFICER	I.D. #	DIVISION	APPROVED BY:	DATE OF REPORT:	MONTH	DAY	YEAR	TIME
RACR	730	S-3						

NOT USED

☒ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☐ CRIME
☐ OTHER

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

INC#
15090056613

PAGE 1 OF 2
CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

09

DAY

28

YEAR

2015

DAY OF WEEK

MON

TIME

0141

LOCATION OF INCIDENT (OR ADDRESS)

1170 W. SAN YSIDRO BLVD

CITY

SAN DIEGO

BEAT

712

DISTRICT

SOUTH

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

ON 09.28.15 AT 0141 HOURS, I RESPONDED FROM SAN DIEGO CENTRAL JAIL, TO A REPORT OF SHOTS FIRED BY POLICE AT 1170 W. SAN YSIDRO.

I ARRIVED AT THE SCENE AND WAS INSTRUCTED TO TAKE A WITNESS STATEMENT FROM THE RESIDENTS AT APARTMENT [REDACTED] WHICH IS DIRECTLY BELOW THE SUSPECTS APARTMENT. THERE WERE THREE BULLET HOLES ABOVE THE DOOR OF APARTMENT [REDACTED]. THE RESIDENTS WERE UNHURT AND GAVE ME THE FOLLOWING STATEMENTS:

STATEMENT OF [REDACTED] (WITNESS):

I WAS SLEEPING WHEN I AWOKE TO SOMEONE YELLING "DROP THE GUN!" AN OFFICER TRIED TO EVACUATE US BUT THEN SHOTS WERE FIRED. THE OFFICER THEN TOLD US TO STAY INSIDE AND LOCK THE DOORS. I DIDN'T SEE ANYTHING, JUST HEARD THINGS.

STATEMENT OF [REDACTED] (WITNESS):

ME AND [REDACTED] WERE ASLEEP IN OUR ROOM WHEN WE WERE WOKEN UP BY YELLING OUTSIDE. WE HEARD "PUT THE GUN DOWN!" AND AN OFFICER TRIED TO EVACUATE US. SHOTS WERE FIRED AND WE WERE TOLD TO STAY INSIDE BY THE OFFICER. WE DIDN'T SEE ANYTHING JUST HEARD IT.

AFTER OBTAINING THE ABOVE STATEMENTS I TOOK A PERIMETER

REPORTING OFFICER

I.D. #

DIVISION

APPROVED BY:

MONTH

DAY

YEAR

TIME

CASSIDY

7283

SOUTHERN

SGT. TIVANIAN #5871

DATE OF REPORT:

09

28

2015

0350

SECURITY POST AT 1130 W. SAN YSIDRO AND EL PORVENIR ROAD. I HAD
THE POST UNTIL 0530 HOURS AND NO UNAUTHORIZED PERSONS WERE
LET IN TO THE SCENE. OFFICER K. MILES RECEIVED ME AND TOOK
MY POST.

**SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE**

☐ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☒ CRIME
☐ OTHER _____

PAGE 1 OF 2		CASE NUMBER	
MONTH 09	DAY 28	YEAR 15	DAY OF WEEK MON
BEAT 712			TIME 0106

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)
O.I.S.

LOCATION OF INCIDENT (OR ADDRESS) 1150 W. SAN YSIDRO		CITY SAN DIEGO		DISTRICT
PERSON(S) INVOLVED: VICTIM		SUSPECT (IF NAMED)		PROPERTY TAG NO. (S)

OFFICER STATEMENT:

ON 09-28-15 AT APPROXIMATELY 0124 HRS, I ASSISTED SOUTHERN DIVISION POLICE OFFICERS ON A OFFICER INVOLVED SHOOTING AT 1170 W. SAN YSIDRO BOULEVARD.

UPON ARRIVAL, I WAS ASSIGNED TO TAKE WITNESS STATEMENTS FROM 1150 W. SAN YSIDRO BOULEVARD APARTMENTS [REDACTED] THRU [REDACTED] I SPOKE TO THE FOLLOWING OCCUPANTS:

APARTMENT [REDACTED] - [REDACTED]

AT APPROXIMATELY 1:20 A.M. I HEARD APPROXIMATELY FOUR GUN SHOTS OUTSIDE.

APARTMENT [REDACTED] - [REDACTED] NONE

AT 1:30 A.M. I HEARD ABOUT THREE COPS OUTSIDE AND I HEARD ONE SAY SHOOT HIM, AND THEN I HEARD ABOUT 10 GUN SHOTS.

APARTMENT [REDACTED] - [REDACTED] N/A

AT ABOUT 1:30 A.M. I HEARD FIVE GUN SHOTS AND YELLING OUTSIDE.

APARTMENT [REDACTED] - [REDACTED]

AT ABOUT 1:30 A.M. I HEARD A FEW GUN SHOTS OUTSIDE.

REPORTING OFFICER E. LACANSAU	I.D. # S95	DIVISION SE-3	APPROVED BY: #5871 SGT. TIVANIAN	DATE OF REPORT:	MONTH 9	DAY 28	YEAR 15	TIME 0407
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CONTINUED FROM CRIME		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613	
CODE SECTION AND DESCRIPTION HS / UNKNOWN / UNKNOWN/INVALID CHARGE				PAGE 1 of 1	
DATE 09/28/2015		DAY OF WEEK Monday		CASE NUMBER 00000000	
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL		CITY SAN DIEGO		TIME 01:06	
				BEAT 712	

On 09-28-2015, at about 0619 hours, Officer Estrada (#6962) and I volunteered to assist in a officer involved shooting located at 1170 W San Ysidro. We arrived at the location and I was instructed to relieve Officer Torres (#6618) who was standing near the suspect's apartment front entrance. There was a female residing in the suspect's apartment who only spoke Spanish. I informed the female I was relieving Officer Torres and if she had any questions or concerns to let me know.

When the collection of evidence was completed I informed the female that Officer Abot (#7081) was relieving me at my post.

Approved: Sgt. Sainsanoy #5638

REPORTING OFFICER ANTHONY TELLO	I.D. # 7109	DIVISION S1	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 11:26
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Continued From: Crime Report		San Diego Regional Officer's Report Narrative		Incident Number: 15090056613	
Page 1 of 1				Case Number: 00000000	
Code Section And Description (one incident only) ZZ 981153 - MISCELLANEOUS REPORTS - 153			Date: 9/28/2015		Day of Week: Mon
Location Of Incident (Or Address): 1170 W SAN YSIDRO BL [REDACTED] San Diego, Ca 92173			City		Time: 01:06
Person(s) Involved: Victim:			District		Beat: 712
Suspect (If Named):					
Property Tag No.(s):					

Officer's Statement:

On 09/28/2015, at approximately 0130 hours, I responded to 1170 W. San Ysidro Blvd. for an officer involved shooting. I arrived on scene and a primary and secondary perimeter had already been set. I was assigned to the northeast perimeter and prevented unauthorized persons and vehicles from entering. I was relieved at approximately 0600 hours by first watch officers.

Reporting Officer MILES	I.D.# 7220	Division: S3	Approved By <i>A/SGT. D. BISHOP</i>	Date of Report: 09/28/2015	Time: 21:46
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COPY - 09/28/2015

#5937

		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15090056613			
				PAGE 1 of 1		CASE NUMBER 00000000	
CODE SECTION AND DESCRIPTION HS / UNKNOWN / UNKNOWN/INVALID CHARGE		DATE 09/28/2015		DAY OF WEEK Monday		TIME 00:00	
LOCATION OF INCIDENT (OR ADDRESS) 1170 W SAN YSIDRO(SB) (SB) BL [REDACTED]				CITY SAN DIEGO		BEAT 712	

OFFICER'S STATEMENT:

On 09-28-2015 at 0552 hours, I responded to 1170 West San Ysidro Boulevard regarding an Officer involved shooting. Upon arrival, I was directed to relieve the Officer located on the west perimeter, 1181 West San Ysidro Boulevard, of the scene. I relieved Officer Cortez #5999. I was instructed to keep all vehicle and pedestrian traffic out of the scene. I maintained the the perimeter until I was instructed to breakdown the police tape line to allow vehicle traffic to pass through the area. I returned to service at 1138 hours.

I had no further involvement in the incident.

Approved by: Sgt. Sainsanoy #5638

REPORTING OFFICER ANDREW SMITH	I.D. # 6966	DIVISION S1	AGENCY SDPD	DATE OF REPORT 9/28/2015	TIME 11:44
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Continued From: Other		San Diego Regional Officer's Report Narrative		Incident Number: 15090056613	
Page 1 of 1				Case Number:	
Code Section And Description (one incident only) PC UNKNOWN - UNKNOWN			Date: 9/28/2015	Day of Week: Mon	Time: 01:06
Location Of Incident (Or Address): 1170 W SAN YSIDRO BL San Diego, Ca 92173			City	District	Beat: 712
Person(s) Involved: Victim: ,					
Suspect (If Named): ,					
Property Tag No.(s):					

OFFICER ACTION:

On 09-28-2015, I was in full police uniform, driving a marked San Diego Police vehicle. My unit designator was 721B1. At approximately 0559 hours, I responded to assist with perimeter security while Homicide Detectives were investigating an officer involved shooting, which resulted in a homicide at 1170 W. San Ysidro Boulevard. *The incident number was 15-090056613.*

I arrived on scene at approximately 0603 hours. I relieved Officer K. Miles (#7220), taking over the duties of traffic control and perimeter security at the exterior of the scene at the intersection of W. San Ysidro Boulevard and Howard Avenue.

I remained at the scene until the conclusion of the investigation, and secured the scene at approximately 0950 hours, upon the arrival of Harmony Environmental (contract hazmat/clean up).

I had no further involvement.

Approved: Sgt. Sainsanoy #5638

Reporting Officer BRANTLEY	I.D.# 7084	Division: S2	Approved By	Date of Report: 09/28/2015	Time: 10:28
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COPY - 09/28/2015

Continued From: OTHER		San Diego Regional Officer's Report Narrative		Incident Number 15090056613	
Page 1 of 1				Case Number	
Code Section And Description (one incident only) 7C UNKNOWN-UNKNOWN			Date 09-28-2015		Day of Week MON
Location Of Incident (Or Address) 1170 W. SAN YSIDRO BLVD [REDACTED] SAN DIEGO, CA 92123			City		Time 0:106
Person(s) Involved: Victim			District		Beat 712
Suspect (If Named)					
Property Tag No. (s)					

Officer's narrative:

On 09-28-2015, I was on duty driving marked police vehicle and wearing full police uniform. My unit designator was 714J1. At around 0559 hours, I responded to a call regarding police units needing assistance at 1170 W San Ysidro Blvd [REDACTED]. The incident was an officer involved shooting.

I arrived on scene at 0605 hours and assisted with keeping pedestrians outside of the crime scene in the middle of the perimeter. I also assisted in conducting traffic control on the east of the end of the crime scene perimeter on W. San Ysidro Blvd/Howard Ave.

I remained at the scene until Harmony Environmental arrived on scene for cleanup. Harmony Environmental arrived on scene at 0950 hours. I left the scene and had no further involvement.

Approved: Sgt. Sainsanoy #5638

Reporting Officer J. ABOT	I.D.# 7081	Division S1	Approved By	Date of Report 09-28-2015	Time 10:28
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SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

IN# 150900566/3

☒ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☐ CRIME
☐ OTHER

PAGE OF CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

DAY

YEAR

DAY OF WEEK

TIME

LOCATION OF INCIDENT (OR ADDRESS)

CITY

BEAT

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

ON 09-28-15 AT 0600 HOURS I RESPONDED TO 1170 W SAN YSEDRO TO ASSIST ON AN OFFICER INVOLVED SHOOTING SCENE. I WAS TASKED BY SGT. C. FIVANIAN # 5871 TO ASSIST WITH SECURING THE SCENE. DETECTIVE COMPLETED THEIR INVESTIGATION AND THE PERIMETER WAS BROKEN DOWN AT 0950 HOURS.

REPORTING OFFICER

I.D. #

DIVISION

APPROVED BY:

MONTH

DAY

YEAR

TIME

SAEN SANLEY

5638

S-1

E. SERVINO LT. #1026

DATE OF REPORT:

09

28

15

1200

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE☐ OFFICER'S REPORT ONLYCONTINUED: ☐ ARR./JUV.CON.FROM ☐ CRIME☒ OTHER OIS

PAGE _____ OF _____ CASE NUMBER _____

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

DAY

YEAR

DAY OF WEEK

TIME

OIS09282015MON0106

LOCATION OF INCIDENT (OR ADDRESS)

CITY

BEAT

DISTRICT

1170 W. SAN YSIDRO712

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

OFFICER'S STATEMENT:

ON 09/28/2015, AT APPROXIMATELY 0115 HOURS, OFFICER C. CAMPBELL #6037 AND I RESPONDED 1170 W SAN YSIDRO TO ASSIST OFFICERS AT THE SCENE WITH A RADIO CALL OF MAN WITH A GUN.

OFFICER CAMPBELL AND I ARRIVED AT THE SCENE AT APPROXIMATELY 0128 HOURS. I WAS DIRECTED BY OFFICER CAMPBELL TO MOVE PATROL VEHICLES OUT OF SCENE BY THE DIRECTION OF THE ACTING SERGEANT AT THE SCENE. I MOVED THE SERGEANT'S VEHICLE AND I PARKED IT IN THE SOUTH BOUND LANE OF 1100 W. SAN YSIDRO.

I PLACED YELLOW TAPE ON THE SOUTH AND NORTH END OF 1100 W SAN YSIDRO. I ASSUMED THE NORTHEAST PERIMETER

AT APPROXIMATELY 0135 HOURS, I WAS RELIEVED BY OFFICER ~~CAMPBELL~~ ^{SMITH} OFFICER SMITH # 6266. NO UNAUTHORIZED PERSONNEL WERE ALLOWED INTO THE SCENE.

REPORTING OFFICER

I.D. #

DIVISION

APPROVED BY:

MONTH

DAY

YEAR

TIME

J. CARTER5595853SGT. TRIVAN

DATE OF REPORT:

928150620

OFFICER INVOLVED INCIDENT CHECKLIST

NAME: Last McCOY First Jeffrey Middle Michael

Age [REDACTED] D.O.B. [REDACTED] Height 5-9

Weight 175 Hair Brown Eyes Hazel

Police ID# 7099 Badge # 4777

Date of Hire Feb/2014

Assignment Southern Patrol 3rd Watch

Supervisor A/Sgt. Dean BISHOP

Length of Assignment 1 Year and 5 Months

Unit # 725J Equipment # 7166

Work Hours 2100-0700 Days Off MTW

Hours of Sleep Prior to Shift 6 to 7 Hours

Right/Left Handed Right

Eye Sight [REDACTED]

Glasses? Yes [REDACTED] No [REDACTED] Contacts? Yes [REDACTED] No [REDACTED]

Glasses or Contacts Worn? Yes [REDACTED] No [REDACTED]

Illnesses [REDACTED]

Medications? Yes [REDACTED] No [REDACTED] Date

Time Type/Amount

Have you consumed alcohol in the past 24 hours? If so

Type Quantity

INJURIES/COMMENTS: [REDACTED]

Protective Vest

Worn? Yes [REDACTED] No [REDACTED]

Front Panel? Yes [REDACTED] No [REDACTED]

Back Panel? Yes [REDACTED] No [REDACTED]

Primary Weapon

Make Glock Caliber 9mm

Serial # [REDACTED] Model 17

Department ☒ Personal ☐

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If weapon is an automatic, was it carried with

a round in the chamber?

Primary Weapon Yes [REDACTED] No [REDACTED]

Secondary Weapon Yes [REDACTED] No [REDACTED]

Carbine Yes [REDACTED] No [REDACTED]

Number of rounds carried in magazine or cylinder?

Primary Weapon [REDACTED]

Secondary Weapon [REDACTED]

Carbine [REDACTED]

Extra magazines or speed loaders?

Yes [REDACTED] No [REDACTED] Quantity [REDACTED]

Have you altered your

weapon? Yes [REDACTED] No [REDACTED]

If so, how?

Less than Lethal Force Used? Yes ☐ No ☐

OCN (Pepper Spray) ☐ Baton ☐ ASP ☐

Nunchukas ☐ Taser ☐ Beanbag ☐

Other ☐

Sergeant Paul D. Conley

Date: 09-28-15

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

OFFICER INTERVIEWED: McCOY, Jeffrey, ID 7099
Southern Division/3rd Watch
Phone: [REDACTED]

INTERVIEW OF OFFICER MCCOY:

Synopsis:

On September 28, 2015, at 0153 hours, I received a telephone call from Lieutenant Paul RORRISON #4305 instructing me to respond to 1170 W. San Ysidro Boulevard regarding an Officer Involved Shooting investigation. Lieutenant RORRISON stated Southern Patrol Officer's had been involved in a shooting of a male at the apartment complex. The male later died from his injuries after being transported by paramedics. Lieutenant RORRISON directed Homicide Team IV to report to the scene and investigate the shooting incident.

I arrived on scene at approximately 0245 hours and joined other members of Homicide Team IV. Sergeant Chris TIVANIAN #5871 provided a briefing on the incident which began at 0317 hours and concluded at 0339 hours. The decedent was identified as Alberto HERNANDEZ. Sergeant TIVANIAN stated SDPD Communications received a 911 call from a male at 1170 W. San Ysidro Boulevard Apartment [REDACTED] (later determined the male was HERNANDEZ who stated he wanted to shoot someone). Officer's Jeff McCOY #7099, and Kyle RACK #7310 were the first officers to respond along with Officer Matthew HERKELMAN #7292 (Sergeant TIVANIAN did not discuss the shooting incident at this point in the briefing). Sergeant TIVANIAN said after the shooting of HERNANDEZ, Medic #29 responded and performed CPR. HERNANDEZ was transported to Mercy Hospital and Officer HERKELMAN followed the medic vehicle in his police vehicle. HERNANDEZ was pronounced deceased by Doctor Yang at 0207 hours.

Sergeant TIVANIAN identified the officers who fired their weapons at HERNANDEZ as Officer's Jeffrey McCOY, Jonathon WELLS, and Brandon LULL. Sergeant TIVANIAN also identified Acting Sergeant Dean BISHOP as being present during the shooting, but he was unable to fire his weapon due to an equipment failure, (no ammunition in weapon).

After being briefed by Sergeant TIVANIAN, I assigned Homicide Team IV detectives to conduct witness interviews. I also assigned a detective to conduct the crime scene investigation. I next met with Lieutenant RORRISON who coordinated with attorney Charles WALKER from the Police Officer's Association to facilitate having the officer's involved in the shooting return for a walkthrough of the shooting scene. All three officers returned to the scene and participated in a voluntary walkthrough to show investigators their positions when the shooting occurred. All three officers then responded to SDPD Headquarters for a formal interview with Lieutenant RORRISON and myself. Lieutenant RORRISON and I waited until all the officers involved had met with their legal representation prior to beginning the interviews.

Lieutenant RORRISON and I interviewed Officer McCOY in the homicide office with POA Attorney WALKER present. Prior to the interview, Officer McCOY was allowed to watch his Body Worn Camera (BWC) footage of the incident in its entirety. After viewing the BWC footage, McCOY agreed to provide a voluntary statement.

At approximately 0800 hours, Lieutenant RORRISON and I began the interview with Officer McCOY. The interview is documented below in a question and answer and word for word format.

PR: Paul RORRISON, Lieutenant – SDPD Homicide Unit
PC: Paul CONLEY, Sergeant – SDPD Homicide, Team IV.
JM: Jeffrey McCOY, Patrol Officer – Southern Division – 3rd Watch
CW: Charles Webb WALKER - POA Attorney

PC: You ready? Today's date is September 28, 2015. The time is approximately 0800. I'm with Officer Jeffrey McCOY and his POA appointed Attorney Charles Webb WALKER, along with a Homicide Lieutenant Paul RORRISON and I am Sergeant Paul CONLEY from Homicide Team 4. So, okay, Jeff, what we're gonna do right is this is a data sheet. It's just uh, it has some pre-printed questions. They're pretty simple; name, date, when you slept and stuff like that. That doesn't really have anything to do with the incident so we'll start with that first, so.

JM: Okay.

PC: Uh, last name's McCOY. It's M-C-C-O-Y?

JM: Correct.

PC: Okay, and Jeffrey, J-E-F-F...

JM: R-E-Y.

PC: And you said Mike, middle name Michael?

JM: Michael.

PC: Okay, M-I-C-H-A....

JM: A-E-L.

PC: Okay. And how old are you?

JM: [REDACTED]

PC: Okay, and your birthdate

JM: [REDACTED]

PC: 08-20-75. And how tall are you?

JM: Uh, 5'9"

PC: Okay, how much you weigh?

JM: 175.

PC: And hair color?

JM: Brown.

PC: And eyes?

JM: Hazel.

PC: And your police ID number?

JM: 7-0-9-0.

PC: And your badge number which is 4-7-7-7 okay. And what date where you hired? Just month and year if you remember?

JM: Uh, February 5, 2014.

PC: And what's your current assignment?

JM: Patrol. Southern Patrol.

PC: Okay, Southern Patrol. Obviously 3rd Watch?

JM: Yes.

PC: And who's your supervisor?

JM: Uh, direct supervisor is Acting Sergeant Dean Bishop

PC: Okay. And what's the length that you've been in patrol? So from the Academy you're Phase Training?

JM: Uh, since Phase Training, so it's be June of 2014. It's a 4/10.

PC: Okay, so 4/10, about a year and a couple of months?

JM: Correct.

PC: A year. June, July, August, September. A year and five months. Okay. And what is your unit number? Do you remember?

JM: Uh, tonight was 725J.

PC: Okay. And then do you remember the car you had? The equipment number on it?

JM: Yes. Yeah, 7-1-6-6.

PC: Okay. And your work hour is 2100 right?

JM: Correct. To 0700.

PC: Okay. And what are your days off?

JM: Monday, Tuesday, Wednesday.

PC: And prior to you coming off work, how many of sleep did you have?

JM: Six to seven.

PC: Okay.

JM: Approximately.

PC: And are you right or left-handed?

JM: I am right handed.

PC: [REDACTED]

JM: [REDACTED]

PC: [REDACTED]

JM: [REDACTED]

PC: [REDACTED]

JM: [REDACTED]

PC: [REDACTED]

JM: [REDACTED]

PC: [REDACTED]

JM: [REDACTED]

PC: Okay. And how about medications? Do you take any medications?

JM: [REDACTED]

PC: [REDACTED]

JM: [REDACTED]

PC: [REDACTED] And have you had any...consumed any alcohol in the last 24 hours?

JM: I have not.

PC: Okay. Okay, this kind of goes into the weapon type stuff. So protective vest? [REDACTED]

[REDACTED] Your primary weapon, what's the make?

JM: It is a Glock 17.

PC: Okay, Glock, uh....
JM: 9 mm

PC: Model 17?
JM: Correct.

PC: 9 mm. And I'll get the serial number later. So a Department weapon?
JM: Yes sir.

PC: [REDACTED]
JM: [REDACTED]

PC: [REDACTED] Um, that's automatic weapons. Number of rounds carried in the magazine. So your primary?
JM: Uh, [REDACTED] in the magazine and [REDACTED] in the chamber.

PC: [REDACTED] okay. [REDACTED]
JM: [REDACTED]

PC: Okay. Have you altered the weapon at all or anything?
JM: [REDACTED]

PC: [REDACTED] So that's that.
JM: Okay.

PC: So what we're gonna do is we're gonna get into the specific incident that it happened. So what I like to do is I like to walk just a little bit back on when you attended....when you went to lineup.
JM: Um huh.

PC: Um, obviously, and then anything leading up prior, like any calls you had. Any arrests. Just briefly though, so...
JM: Okay.

PC: So you go to lineup at 2100 right?
JM: Correct.

PC: Okay, go from there.
JM: So at 2100 we had a lineup. Uh, we went over a bunch of incidents, uh, incident logs from the night before cause we were really busy. And so we got out of there. It was a little bit longer than normal. So I think it was like 2130 when we actually went 10-8. Got car vehicles and started logging.

PC: Um huh.

JM: Uh, didn't have to get fuel for my vehicle this time and uh, cause there was a lot of calls holding so I, I just went 10-8 immediately to go out and start fielding some calls.

PC: Okay. Now what call, what kind of call is just normal?

JM: There was a lot of, it was actually, there was three or four narcotic calls holding.

PC: Okay.

JM: Uh, a few 415s and um, there was a missing persons, which was a possible chance for a high risk missing persons.

PC: Okay.

JM: And uh just a couple of others general calls.

PC: Just basic police stuff in the beginning?

JM: Yes.

PC: Okay. Did you make contact with anybody? Like FI's or bike stops or?

JM: I did. I actually got into a very short pursuit. Foot pursuit.

PC: Okay.

JM: Uh, and that was one of the narcotic calls, but I was never able to contact the guy, so. It was a call of somebody selling drugs.

PC: Uh huh.

JM: We got....went 97 and there was the guy.

PC: Um huh.

JM: And I told him to stop and he took off. And I lost sight of him very quickly and put it out over the radio.

PC: Okay.

JM: That no pursuit.

PC: Okay. So you never caught him?

JM: No.

PC: Okay.

JM: And then after that a couple of other calls went out to 713 to do a "dragnet" deal cause the drag racers were setting up.

PC: Sure.

JM: Nobody shows so we came back. On my way back from the "dragnet" on the 905, we got a call, a 415 at the "E-Z 8 Motel" at 1788 Palm.

PC: Okay.

JM: Myself....

PC: Is the "E-Z 8" on Palm or Outer?

JM: No, no, no. It's the 'Super 8'. I'm sorry.

PC: Oh, the "Super 8". Yeah,

JM: The "Super 8" on Palm.

PC: Okay.

JM: Uh went there, contacted a young lady. And the officers had responded. That call was actually three of us. It was myself, RACK, Officer RACK and Officer HERKELMAN.

PC: Okay.

JM: I screw his name up.

PC: Yeah.

JM: I'm embarrassed about it. So the three of us went to that call.

PC: Right.

JM: And we met, we contacted the young lady who had screamed and whatever. And we, and it was just, it was a K, a simple K.

PC: Okay, just a 415?

JM: Correct.

PC: Okay.

JM: Cleared that call and the 415 came out as the, of the....

PC: Okay. That's the incident call?

JM: Yes, that's the incident call that we were talking about.

PC: Now the call that came out, how do you remember it coming out?

JM: It came out as a 415 of a male calling into 911 and saying to the dispatcher or the call taker that he was going to shoot her.

PC: Okay, so you specifically remember that coming out over the air?

JM: Yes.

PC: So there was a call, a male called 911 saying that he was....

JM: 'I'm going to, I want to shoot her'. So it was like something, like around those lines. I want to shooter. I'm going to shoot her.

PC: Okay, now when that call comes out, are you dispatched to that call or do you volunteer. Or who's the primary person?

JM: I was...I believe, I think the call...I honestly I think the call was holding and I went ahead and just said, 'You can'....or I heard it over the air and they were waiting for clear units. So I said Clear us with a 'K' and go ahead and send my' --- I actually said, 'Send myself, 23J and uh, 11J.

PC: Cause they were with you on the prior call?

JM: Correct. So I said, 'The three of the us can go over there and handle that'.

PC: Okay. So you guys all in transit there?

JM: All three.

PC: Okay.

JM: And we all went 97 at the exact same time.

PC: Okay, so you were basically in transit from the 'Super 8' 415 call?

JM: Yeah. Traveled....uh, we took Palm back to the 5 South. Took the 5 South. I got off on Dairy Mart. Made a left on West San Ysidro and went 97 to that location.

PC: Okay. Now you go 10-97. Where do you park?

JM: I pull up. I'm the very first vehicle and so I pull up and it was SUV that we pointed out during our 'walk-through'.

PC: Okay.

JM: So I was the very lead vehicle. I pull up in front of the complex there.

PC: Okay, and you pull up and then where are the other guys?

JM: Uh, right behind. Well one vehicle is right behind me. The other pulled off, I believe, to the right somewhere (inaudible at 9:11, but sounds like he's saying "in that area").

PC: Okay. So it's you. Now three officers you mentioned their names before. What were they?

JM: Officer RACK. And he was...

PC: Now you say RACK. Was...

JM: Kyle RACK, R-A-C-K.

PC: Okay. So Officer RACK.

JM: Yeah, R-A-C-K. And he was 723J.

PC: Okay. And then uh...?

JM: Officer....I'm sorry. He's the....

PC: Is that HESSEL?

JM: Is it HESSLE? What is it?

PC: Uh...

JM: INKLEMAN or HESSLE....

PC: Yeah, it's, it's HERKELMAN.

JM: HERKELMAN, sorry. I, I...

PC: Okay.

JM: Sorry, I butcher his name.

PC: It's all right. HERKELMAN.

JM: HERKELMAN.

PC: You three are there?

JM: Correct.

PC: Okay.

JM: So I get out of my vehicle and as I'm approaching along the sidewalk, um, Officer RACK cut across the parking lot. And he was actually at the bottom of the stairs. He beat me to the bottom of the stairs.

PC: Okay.

JM: And I, and the first thing I said to him was, 'Hey, I've been here before. Let me be contact on this call.' Because these two officers are brand new to the division.

PC: Okay.

JM: They just came off of phase training.

PC: Okay. Now you say you've been there before. Had you actually been there before?

JM: Yes.

PC: Do you remember going there?

JM: Yes.

PC: On a previous incident?

JM: Correct.

PC: Do you remember what that was?

JM: I believe there was a check the welfare incident.

PC: Okay. Do you know how long ago that was?

JM: I don't. And I know dispatch on the way the calls, she put out a couple of incidents, uh, history, incident history on it.

PC: Okay. So basically you told the other two guys which was RACK and HERKELMAN, 'Hey, I've been here before. Let me go up and handle this'?

JM: Yeah.

PC: Basically you assumed the responsibility to contact the person?

JM: Correct.

PC: But you can't specifically remember what the incident was. Or do you remember that it was a check the welfare?

JM: It was a check the welfare.

PC: Okay.

JM: From what I remembered it before was the, the gentleman, the suspect tonight had called the police saying something about his [REDACTED] uh being held hostage or something.

PC: Okay.

JM: Uh, and we found that later on in the investigation, there was no issues with the [REDACTED]

PC: Okay.

JM: That [REDACTED] was not at that location. He was with his [REDACTED]

PC: Okay. Okay. So now you three are all there and you guys decide to make contact, right?

JM: Correct.

PC: Okay, so what happens next?

JM: So I walk up the stairs with Officer RACK and TRACE right behind me and then...

PC: You said TRACE?

JM: I'm sorry. He was right behind me. So I was walking up the stairs first.

PC: Uh huh.

JM: And then he, I call RACK. Officer RACK was directly behind me as we were walking up the stairs.

PC: Okay.

JM: Uh....

PC: So it's just you and RACK walking up?

JM: Well and then the third officer was walking up as well.

PC: Is that HERKELMAN or?

JM: HERKELMAN.

PC: Okay.

JM: But he stopped halfway up. Cause there's not a whole lot of room...

PC: Right, right.

JM: along that porch.

PC: Okay. So you walk up the steps. Uh, you and RACK and then HERKELMAN stayed a little behind. Okay. So you get up to the top. Now what happens?

JM: I knock on the door.

PC: Okay.

JM: And of course, I'm sorry just to backtrack a little bit. I did activate my body worn camera as I'm going up the stairs.

PC: Okay. Go ahead.

JM: I knock on the door and Officer RACK goes to my left and along the porch. And he looks into the open....the window has blinds on it, but on the far left of the window, it's kind of pulled open because of the fan.

PC: Okay.

JM: There was a fan blowing cool air from the outside in.

PC: Okay. So RACK looked in the window?

JM: Yes. He looks in and he says, 'Hey, somebody's coming to the door.'

PC: Okay.

JM: Um, and then, and then the door opened and that's when I saw the gentleman open the door with his left hand and he has the Beretta 9mm on his right.

PC: Okay. So now let me back up there. So he opened the door and uh you said he had....you specifically said he had a Beretta 9 mil.

JM: Correct.

PC: In his...which hand?

JM: Right hand.

PC: Okay. Now what makes you say Beretta 9 mm. Obviously, you're probably familiar with firearms if you're Navy.

JM: Yes. I served 20 years in the Marine Corp prior to this job and that was a service weapon that we used in the Marine Corp. And as soon as I saw it, I knew, identified it as a Beretta 9 millimeter.

PC: Okay. And then uh what happens next? So you see the weapon and the doors open?

JM: Correct.

PC: Okay.

JM: The doors only cracked probably, approximately 18 to 24 inches. Just enough to see his right half of his body, maybe even a little bit more. Cause he's still kind of a little bit behind the door. He has the Beretta 9mm and it's all black.

PC: Um huh.

JM: Uh, in his right. And he's kind of....it's not pointing at me. It's kind of pointing down towards my knee.

PC: Okay.

JM: And I immediately draw my weapon and tell him, 'San Diego Police! Put the gun down!' He immediately shuts the door in my face.

PC: Okay.

JM: So I get on the radio and I put it out what, to dispatch what had happened. That the gentleman had answered the door with a gun in his hand.

PC: Okay.

JM: And that he had closed the door on me. And I tell RACK to back off. Come off the porch away from the window and go down the steps. And then we kind of leap frog uh, back down to the bottom of the stairs.

PC: Okay.

JM: Yeah.

PC: Now you're reasoning obviously to get down the steps cause you're on a narrow walkway thing. So you just want to get obviously....

JM: Cause we just wanted to get off. It just seemed in my mind it happened so quickly, I wasn't sure if the, if the gentleman was confused uh with who was outside.

PC: Um huh.

JM: So I just wanted to get away from the porch and then, you know, be able to...I knew the window was open so he'd be able to hear commands.

PC: Um huh.

JM: Uh, so I would be able to, you know, maybe readdress or, you know, try to make contact with him verbally, to let him know that it's, you know, police outside.

PC: Okay. So you get down there?

JM: Correct.

PC: Okay. Just you three are there now?

JM: Yes. Only the three of us at that point.

PC: Okay, so then what happens?

JM: So then RACK is to my right which would be to the north of the building. Uh, and HERKELMAN is to my left. I ask him, 'Hey, can you go through the fence. There's a gated'....there was a gated fence there. I asked him if he could gain access and just confirm that there's no way of escape out the back.

PC: Okay.

JM: Um, and then I...at that time I could hear him locking the front door.

PC: Okay.

JM: So to me it seemed like okay, he's locking the front door. He's barricading himself. I put out over the radio at that time uh, it sounds to me....I could hear the deadbolt. It wasn't like a chain; it was an actual deadbolt.

PC: Okay.

JM: Uh, put it out over the radio, 'He's locking himself in'. And then I had talked to HERKELMAN a little bit because RACK is in a good position. You could see, you know, up at the top of the stairs at the door. If the door was open, he'd be able to see what's going on. And that's when I just started coordinating with others that are responding. And then....

PC: Okay.

JM: I, I did ask HERKELMAN just to confirm to stay...I actually told him to go ahead and stay behind the fence there and keep an eye on the windows, cause he said there was no...he was...'more apartments on the back side'. So no way for anybody to go out the back.

PC: Okay. So you have the front door and you're coordinating the two officers that come in and your arrival people, telling them where to go when they're coming in?

JM: Correct.

PC: Okay.

JM: Uh, so I ask dispatch around that time if we could get off or make a callback.

PC: Okay.

JM: To let them know that it's the police outside. Uh, dispatch tells me that I would have to do that. So I go ahead and start walking to my vehicle to make that phone call cause I didn't have the number. I was going to use my cell.

PC: Right.

JM: Walked back to my vehicle and that's when Sergeant BISHOP shows up.

PC: Okay.

JM: So I went ahead and went straight to him and I started asking him, 'Hey can you make a callback to notify, hey it's the police inside'. And that's when I heard Officer RACK yell out, 'Put the gun down!', you know.

PC: Now where, when BISHOP came up where did he go or where did you meet him?

JM: So my vehicle was the SUV, the number one vehicle.

PC: Yeah. You went to go to retrieve the phone to make, or the number to make the callback.

JM: Correct.

PC: Acting Sergeant BISHOP shows up. So they make contact with him.
JM: Directly two vehicles behind my vehicle.

PC: Okay. Okay. Okay.
JM: And I was standing next to him at his vehicle when Officer RACK started yelling, 'Put the gun down!' Started giving commands.

PC: Okay. Specifically he said that?
JM: Yes. He said, 'San Diego Police. Put the gun down!'

PC: Okay. How many times do you think he said that?
JM: Uh, I would, I would, I mean estimate from my memory it was probably three.

PC: Okay.
JM: And then, then the gentleman shut the door. So what had happened was he had opened the door, pointed the gun at him apparently or he could see him with the gun.

PC: But you didn't see him do that? You were just....?
JM: No. So I would say just from what he did later on.

PC: Okay.
JM: So, but Kyle RACK gave those commands to put the gun down. I ran back up to a position so I could kind of see which was...there was a vehicle directly in front of mine. An orange vehicle. I basically put myself at the front left corner of the vehicle, so I could see as well to get another angle. Uh, at that point I heard the door shut.

PC: Okay.
JM: So I never observed the weapon at that point.

PC: But you heard another officer yell to put the gun down. So you believe that he obviously saw a gun.
JM: Correct.

PC: And you had seen a gun earlier?
JM: Yes.

PC: So, okay. Go ahead.
JM: So at that time uh, he shut the door. So in my mind I was thinking, okay, this is going to be a barricaded suspect uh with a weapon. I want to start getting people in the local apartments out. So I had HERKELMAN come around out of the gated fence. And I told him to, 'Let's start evacuating Apartment [REDACTED] which is the one directly below that apartment.

PC: Okay.

JM: Uh, we made contact with the people in there and then Sergeant BISHOP had moved up to my right and was in between some of the parked cars. Almost even, I would say parallel with Officer RACK. So he's in a parking lot and RACK's at the corner of the building. So they were parallel to each other.

PC: Are they on the same side to the north of the apartment?

JM: Yeah, correct.

PC: Okay. So two of them are on the north?

JM: Correct.

PC: Okay, and you're underneath....Okay. I got you. Okay.

JM: And uh, and then where I was standing I was concealed by the tree that had grown there. So the, if he was to peek out, he wouldn't be able to see me. So I felt comfortable. I know I was covered, but the concealment I felt was good enough so I could start directing the movement and the evacuation of the people in that apartment.

PC: Now you're talking the tree that's right next to the stairwell (Inaudible at 20:35)?

JM: Correct.

PC: I...Okay. Okay. Okay, so you're directing them. What happens next?

JM: So we did make contact with the family down below.

PC: Okay.

JM: HERKELMAN was explaining to them. I ran up and just told them, 'Hey, look. The guy upstairs has a gun. He's pointing it at us. We need you to get out. So grab all your things and don't expect to come back for a little bit'. So it was a [REDACTED]

PC: Okay.

JM: They grabbed their stuff and we quickly told them to run along the sidewalk and go to other officers. I actually escorted with them. I was right behind them and handed them off to it was Officer LOWELL.

PC: Okay.

JM: And I explained to him and told him, 'Hey, put them in your car. Put them in somebody's car. Just get them out of sight.' Um, you know, 'But make sure you hand them off to an officer and stay with them'. Don't let them...

PC: Okay.

JM: He didn't really take ownership of them. He kind of passed them off to somebody else. I'm not sure who what was but, then I returned back to the position near that orange car. The front left area almost to....in the same area where I could see.

PC: Sure.

JM: Cause the next step was to go to Apartment [REDACTED]

PC: Okay.

JM: To do the same, same evacuation. Try to contact whoever's in there to get them out.

PC: Okay.

JM: HERKELMAN walks over there and starts to knock on that door.

PC: Okay.

JM: That's when I heard uh, 'Put the gun down!' I look up and I see...I can see him, cause I could see through the trees. And it was enough light that I could see...he was pointing the gun out. Opening the door and kind of showing himself with the gun in his right hand.

PC: Is that before or after somebody said, 'Put the gun down' which makes you look up and then see that?

JM: I hear, 'Put the gun down!' So I look up.

PC: Right and you see what?

JM: I see the suspect just kind of...I just see his right arm sticking out the door with the gun.

PC: Okay.

JM: Pointing outward. I don't know where, in what direction. He was just pointing out.

PC: Okay.

JM: Uh.

PC: Okay.

JM: So....

PC: Now who yelled, 'Put the gun down!' Do you remember?

JM: I believe it was Sergeant, Acting Sergeant BISHOP and RACK. It was officers to my right. And they were the only two there at that point.

PC: Okay.

JM: Uh, and then...but I do know that Officer LOWELL, since I'd seen him with the people, I knew he had moved up, but I'm not sure where he went.

PC: Okay.

JM: Repositioned himself. Uh, so I immediately started moving to behind the tree, because I was close to it. Uh, and that's when he exited the door.

PC: Okay.

JM: The suspect.

PC: Okay.

JM: He exited the door. Everyone's giving commands. I gave, I gave at least one or two commands, uh, you know, 'San Diego Police. Put the gun down! Put the gun down!' I backed off of the tree cause I was, he was starting to close that distance. Even though he was coming down the stairs, he was still closing the distance to me. But he didn't know I was there because I was in the dark, and behind the tree.

PC: Okay.

JM: And I actually got myself back onto the sidewalk. Uh, he continued to move down the stairs and I could clearly see the gun, so and we're all yelling, you know, put the gun down. Uh, he made it to the landing. There's a landing. So you've got the first set coming down from the top of the apartment down to a landing. And then you go back down another set of stairs to the actual ground.

PC: Right.

JM: He made it to that landing and he turned and started to kind of walk down the steps again to actually come all the way to the ground level.

PC: Yeah, just let me back you up real quick.

JM: Yeah.

PC: When he's coming out of the door okay and you clearly see the gun and stuff okay, uh where's his position? Is he coming out like a, a, lack of a better term, like a SWAT two handed shooting stance coming out? Or is he just waving it in the air? Or what's his motion with the gun? Um, what's he doing with it?

JM: Yeah. His position was, his left hand was down by his side. His right hand was almost...it was like the elbow was up against his side.

PC: Okay.

JM: So he was kind of like cuffed and he had the gun in his right hand. And he was just walking. It looked like he was walking like a robot. Just kind of like walking down the stairs. He was looking around with his face and his eyes, and the gun was....everywhere he looked, the gun would go.

PC: Okay. So the gun would train where his eyes were moving?

JM: Correct.

PC: Okay. Okay. And as he's walking down to that landing portion?

JM: Correct. He's doing that. And he's focused on the other officers. But where I was, I couldn't engage him at that point because of the bushes and stuff. You know, I didn't...I wanted to make sure I was clear of the tree.

PC: Right.

JM: Uh, once he made it down that landing, he actually turned towards the other officers. I hit him with my flashlight that was on my weapon. And that's when he turned, started to turn towards me. And he's already down one or two steps off of that first landing coming towards the ground level. He started turning to towards me and then he stops and then he does this like, you know, two-hand grip on the weapon and starts pointing it out.

PC: Towards you?

JM: No, towards the other officers that were, that would Sergeant BISHOP.

PC: Towards the north?

JM: Correct. Towards the north. Officers there in between the parked cars.

PC: So when you hit with the light, you're to the south of where they're to the north. So did that divert him? Did he train on you first and then go back to them?

JM: Yeah. I believe he looked at him with the weapon towards me.

PC: Uh huh.

JM: But then, but he only, still he had it one-handed at that point.

PC: Okay.

JM: And he was looking at me. But like I said, everywhere he looked, the gun would train on him.

PC: Okay.

JM: And then but when transitioned to the two hands and raised like he was actually targeting somebody.

PC: Um huh.

JM: That's when I took two to three steps more to my right. So I had a good field of view of the...I mean full body, everything. No...and plus, not only that. The railing wasn't going to be an issue for me to if I engaged him for any ricochet. And then at the same time I noticed that my backdrop was the solid wall of the corner of the building by a big bay window that was there.

PC: Um huh.

JM: Uh, and that's when I uh, I heard a shot. Somebody shot before me. But I heard a shot and then that's when I engaged and I...

PC: Okay.

JM: shot three to four rounds.

PC: Do you know who or where that shot came from before you fired?

JM: To my right. That's all I know.

- PC: Okay. So what was uh, RACK, to your right. I mean the only people that are north of you are...I mean I'm not going to speculate but...
- JM: It was, the only people that were to the north of me was Officer RACK who was up against the building so I don't know what his angle was. But he was up against the building. Uh, Acting Sergeant BISHOP and I believe LOWELL was over there, I believe. I'm not sure, but that's, that's where the shot, first shot came from. It was either to my right or behind me, like right around that area. Uh, and that first shot. It took a second but that first shot. I don't know if it hit him. But I never saw any reaction in his, at that point uh, so I went ahead and I engaged three to four shots.
- PC: Okay.
- JM: And I was approximately, from that distance, I would, I think I was like ten to fifteen feet, maybe pushing it twenty feet from him when I engaged him.
- PC: Okay. Now you said, you said three or four shots and what's his reaction then? Is he still pointing the weapon at someone or?
- JM: No. He's immediately falls to his knees. Uh, the gun is still in his hand. He falls to his knees and then collapses against the steps, face down'.
- PC: Okay.
- JM: And it was, and he was facing like up, going upstairs so that when he turned and collapsed, he fell going upwards.
- PC: Right.
- JM: Not backwards.
- PC: Right, right. I got to. So then what's the, what's the overall? What's everybody else doing or do you just...?
- JM: Everybody else is still yelling, 'Put the gun down!' I actually back up and make it to the rear bumper of a car that was parked over to my right. So there was a car that I was initially in front of. And then it was like a handicap ramp.
- PC: Um huh.
- JM: And then there was parking spaces. So I actually, it was basically distance of a parking space that I traveled on foot, uh to the north and got in between two vehicles. Cause it, so I can get to it; better angle. Uh, we're yelling, you know, 'Put the gun down!' Cause we can clearly see the gun and...but he's not moving.
- PC: Okay. And that's the aftermath right? When he's down?
- JM: Correct.
- PC: Okay. Just let me back up again. So what did you feel when, obviously he's coming out and he's got the gun. I mean, what was your reaction or how did you feel when he came up on a two hand, you called it like a 2 handed stance?

JM: Yeah. I felt he was targeting one of the officer that were positioned between the parked vehicles. And the distance and now that he's taken a two handed grip and lifting the weapons system.

PC: Right.

JM: He's actively targeting somebody and I, you know, of course I was fearful of their lives and myself so.

PC: Okay. So the aftermath, when he's down. Okay, he's not moving?

JM: Correct.

PC: Or is he moving or, could you tell?

JM: He wasn't moving at all.

PC: Okay.

JM: But he's still, I mean, the gun, we could see the gun but it looked like, you know, he still had his hand on it from the angle cause he's, his back is kind of to us a little bit.

PC: Okay.

JM: Just the way he laid there.

PC: Now how do you approach? Or who approaches or how do you go about?

JM: So ABLE cuts in and says, 'Hey'. He advised us that there was an officer and it was HERKELMAN. Cause HERKELMAN was at that apartment [REDACTED] knocking on the door. And he actually had contacted the people when the guy came down with the gun.

PC: Okay.

JM: So ABLE put over the radio, 'We need to know if that officer is okay because the officer ducked behind the retaining wall that was there.

PC: Okay. Okay.

JM: So we quickly...we were trying to figure out if HERKELMAN was okay and once we realized that he was fine....cause he got over to the radio, 'I'm Code 4. Everybody's fine'. The gun was still there. The suspect was not moving. Because of the close proximity to the officer behind the wall, I told him I'm moving up to clear the weapon.

PC: Okay.

JM: From him. So Officer LOWELL and myself moved up. LOWELL was to my north, to my right, and he moved up foot quickly. I reached in and grabbed the gun and tossed it.

PC: Okay.

JM: And tossed it.

PC: Okay, so you're the one that tossed it, get it away?

JM: Yeah. And I grabbed it...when I grabbed it, I actually grabbed it from the magazine well.

PC: Was it still in his hand?

JM: No, it actually. It actually was on one of the steps, underneath, resting underneath his head. His hand was a few inches away from him.

PC: Okay.

JM: So it looked like when he had fallen to the ground, the weapon had fallen out of his hand.

PC: Okay. So you guys all get up there. It's you, LOWELL and who else? Anybody else with you?

JM: I don't...

PC: At that time?

JM: not, not that I remember it.

PC: Cause the stairs are, it's kind of narrow.

JM: Correct. It, but we, we didn't actually go up the stairs.

PC: Okay.

JM: I approach....cause it was...

PC: Right.

JM: I could just reach in cause it was at eye level.

PC: Okay.

JM: So I reached, grabbed the gun and tossed it.

PC: Okay.

JM: Uh, I still had my gun trained on him. And that's when Officer Oscar TORRES...

PC: Okay.

JM: he's a PRT Officer. He said, 'Hey we need to secure the suspect still, to make sure, you know, and clear him for any more weapons.

PC: Okay.

JM: So, Officer TORRES entered the stairs and I immediately fall right behind and I assisted him with handcuffing the suspect.

PC: Okay. So you and TORRES?

JM: Yes.

PC: Okay. And then what happened?

JM: Uh, once we got the handcuffs on the suspect, I could tell there were multiple wounds on the suspect. He was not moving. He wasn't breathing. And the wounds that I did see, they were...it looked...he looked like he's expired. He looked like he was dead.

PC: Okay.

JM: Not moving, not breathing. Not even making a sound.

PC: Okay.

JM: Uh, so I told, I told Oscar, 'Hey we should go clear the apartment to make sure the lady is okay. Cause I don't know what happened inside.

PC: Okay.

JM: So Oscar and myself and LOWELL and Oscar's trainee. I don't remember that officer's name.

PC: Okay.

JM: We all went up. So I knocked on the door. I could see the lady in the window. And I told her to open the door. She came through...and Oscar was on the other side. So as you're facing the door, I was on the left, Oscar was on the right. Other two officers were coming up the stairs. She opens the door. I immediately ask her if she's okay. She says she's fine and then I kind of just move her to her right and we push him.

PC: Okay.

JM: I go down the, straight down the hall and kind of stop in the hallway. Cause they had close door, open doors and a closed door to my left and we started clearing.

PC: Okay.

JM: So we, I clear the bathroom. Oscar and LOWELL go to the first bedroom and then I go to the far, master bedroom. The trainee, while Oscar tells him to stay with her, don't let her go outside, basically secure her at the spot, and we clear the house. Nobody else is inside the house.

PC: Okay. So everything is clear. Everything is Code 4. Do you ever talk to the female? Or does she ever make any statements to you?

JM: The female speaks Spanish.

PC: Oh, it's Spanish. Okay, you're right. Okay. And then after that uh, obviously you guys call for medics or what?

JM: Uh cause, actually medics were actually called as soon as, uh, as soon as I engage my three rounds, I put out over the radio, 'Shots fired!'

PC: Okay.

JM: Uh, and then I heard Sergeant BISHOP put over the radio, 'We had an 11-41, medics are cleared'.

PC: Okay. Okay. And then obviously they show up. They start working on him or what's?

JM: Uh, so we go back downstairs. We kind of stay outside making sure. We started to make sure everybody else, the other residence in that same building are okay. So we started going...I actually go back upstairs. Cause I made it to the suspect, but then turned around

and went back up to uh, apartment [REDACTED] And I knock on the door to make sure that family is okay. They said everybody in there is okay.

PC: Okay.

JM: I come back downstairs. I actually pass the suspect who is still cuffed at the stairs and I make sure there was an officer checking the apartment below. And then I see two officers and I tell them to go around the back side to make sure that any apartments on the back, that everybody's okay.

PC: Got it. Okay. And obviously medics show up and they transport the subject?

JM: Correct. They ask, actually medics came up and then they asked me to take the handcuffs off, so I took the handcuffs off and they immediately put him on a backboard, put him on a gurney and take him, transport him to the hospital.

PC: Okay.

JM: And I believe it was Officer HERKELMAN.

PC: Okay.

JM: And then, right, I think it was right before the ambulance showed up, I did go down and uh tell officers to start putting up tape and secure the scene.

PC: Okay.

JM: And secure the scene.

PC: Okay. Uh...okay. Lieutenant?

PR: I don't have anything.

PC: Okay.

CW: I had just one question. So when you got the weapon from the from, and threw it out, and you observe the subject, uh, based on your training and your experience in Afghanistan, when you saw him, did you believe he had probably expired?

JM: Oh definitely. Uh, from my experience in Afghanistan I've seen, you know, wounded Marines shot and, and to the point where they, they passed away. Uh, if some...they make sounds you know. Even when they're, they're slowly dying. He wasn't making a sound. He wasn't making a sound. He wasn't breathing. He wasn't moving. I felt he was dead. And also looking at the amount of blood and injuries that he sustained from the gunshot wounds, I truly believed he, he had already expired.

CW: That's it.

PC: Okay. That's gonna conclude this interview. It is 0835 hours.

Total disc time 37:37

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Lieutenant RORRISON and I concluded out interview with Officer McCOY. The above conversation was recorded on my digital recorder and downloaded onto a compact disk. The disk was impounded at Headquarters under barcode #10538777.

After the interview, Officer McCOY was taken to the crime scene processing room where photographs were taken of his uniform and equipment.

Reporting Detective Sergeant P.D. Conley #4673 I.D. 4084 Homicide Team: IV
Approved by: Lieutenant Paul R. Rorrison #4305 Date of this report: 09-28-15 Time: 0800 Hrs.

OFFICER INVOLVED INCIDENT CHECKLIST

NAME: Last <u>WELLS</u> First <u>Jonathan</u> Middle <u>Alden</u>	
Age <u>[REDACTED]</u> D.O.B. <u>[REDACTED]</u> Height <u>5-9</u>	Protective Vest
Weight <u>180</u> Hair <u>Brown</u> Eyes <u>Brown</u>	Worn? Yes <u>[REDACTED]</u> No <u>[REDACTED]</u>
Police ID# <u>7319</u> Badge # <u>8429</u>	Front Panel? Yes <u>[REDACTED]</u> No <u>[REDACTED]</u>
Date of Hire <u>October-2014</u>	Back Panel? Yes <u>[REDACTED]</u> No <u>[REDACTED]</u>
Assignment <u>Southern 3rd Watch</u>	Primary Weapon
Supervisor <u>A/Sgt. Dean BISHOP</u>	Make <u>Glock</u> Caliber <u>9mm</u>
Length of Assignment <u>4 Weeks</u>	Serial # <u>[REDACTED]</u> Model <u>17</u>
Unit # <u>722J</u> Equipment # <u>6932</u>	Department <input type="checkbox"/> Personal <input type="checkbox"/>
Work Hours <u>2100-0700</u> Days Off <u>TWT</u>	<u>[REDACTED]</u>
Hours of Sleep Prior to Shift <u>6 Hours</u>	<u>[REDACTED]</u>
Right/Left Handed <u>Right</u>	<u>[REDACTED]</u>
Eye Sight <u>[REDACTED]</u>	<u>[REDACTED]</u>
Glasses? Yes <input type="checkbox"/> No <input type="checkbox"/> Contacts? Yes <input type="checkbox"/> No <input type="checkbox"/>	If weapon is an automatic, was it carried with a round in the chamber?
Glasses or Contacts Worn? Yes <input type="checkbox"/> No <input type="checkbox"/>	Primary Weapon Yes <input type="checkbox"/> No <input type="checkbox"/>
Illnesses <u>[REDACTED]</u>	Secondary Weapon Yes <input type="checkbox"/> No <input type="checkbox"/>
Medications? Yes <input type="checkbox"/> No <input type="checkbox"/> Date _____	Carbine Yes <input type="checkbox"/> No <input type="checkbox"/>
Time _____ Type/Amount _____	Number of rounds carried in magazine or cylinder?
Have you consumed alcohol in the past 24 hours? If so	Primary Weapon <u>[REDACTED]</u>
Type <u>None</u> Quantity _____	Secondary Weapon <u>[REDACTED]</u>
INJURIES/COMMENTS: _____	Carbine <u>[REDACTED]</u>
_____	Extra magazines or speed loaders?
_____	Yes <input type="checkbox"/> No <input type="checkbox"/> Quantity <u>[REDACTED]</u>
_____	Have you altered your weapon? Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	If so, how? _____
_____	Less than Lethal Force Used? Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	OCN (Pepper Spray) <input type="checkbox"/> Baton <input type="checkbox"/> ASP <input type="checkbox"/>
_____	Nunchukas <input type="checkbox"/> Taser <input type="checkbox"/> Beanbag <input type="checkbox"/>
_____	Other <input type="checkbox"/> _____

Sergeant Paul D. Conley

Date: 09-28-2015

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: OIS/Special Investigation – SDPD Case #15-042053
417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathan, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

OFFICER INTERVIEWED: **WELLS, Jonathan, ID #7319**
Southern Division/3rd Watch
Phone: [REDACTED]

INTERVIEW OF OFFICER WELLS:

Synopsis:

On September 28, 2015, at 0153 hours, I received a telephone call from Lieutenant Paul RORRISON #4305 instructing me to respond to 1170 W. San Ysidro Boulevard regarding an Officer Involved Shooting investigation. Lieutenant RORRISON stated Southern Patrol Officer's had been involved in a shooting of a male at the apartment complex. The male later died from his injuries after being transported by paramedics. Lieutenant RORRISON directed Homicide Team IV to report to the scene and investigate the shooting incident.

I arrived on scene at approximately 0245 hours and joined other members of Homicide Team IV. Sergeant Chris TIVANIAN #5871 provided a briefing on the incident which began at 0317 hours and concluded at 0339 hours. The decedent was identified as Alberto HERNANDEZ. Sergeant TIVANIAN stated SDPD Communications received a 911 call from a male at 1170 W. San Ysidro Boulevard Apartment [REDACTED] (later determined the male was HERNANDEZ who stated he wanted to shoot someone). Officer's Jeff McCOY #7099, and Kyle RACK #7310 were the first officers to respond along with Officer Matthew HERKELMAN #7292 (Sergeant TIVANIAN did not discuss the shooting incident at this point in the briefing). Sergeant TIVANIAN said after the shooting of HERNANDEZ, Medic #29 responded and performed CPR. HERNANDEZ was transported to Mercy Hospital and Officer HERKELMAN followed the medic vehicle in his police vehicle. HERNANDEZ was pronounced deceased by Doctor Yang at 0207 hours.

Sergeant TIVANIAN identified the officers who fired their weapons at HERNANDEZ as Officer's Jeffrey McCOY, Jonathon WELLS, and Brandon LULL. Sergeant TIVANIAN also identified Acting Sergeant Dean BISHOP as being present during the shooting, but he was unable to fire his weapon due to an equipment failure, (no ammunition in weapon).

After being briefed by Sergeant TIVANIAN, I assigned Homicide Team IV detectives to conduct witness interviews. I also assigned a detective to conduct the crime scene investigation. I next met with Lieutenant RORRISON who coordinated with attorney Charles WALKER from the Police Officer's Association to facilitate having the officer's involved in the shooting return for a walkthrough of the shooting scene. All three officers returned to the scene and participated in a voluntary walkthrough to show investigators their positions when the shooting occurred. All three officers then responded to SDPD Headquarters for a formal interview with Lieutenant RORRISON and myself. Lieutenant RORRISON and I waited until all the officers involved had met with their legal representation prior to beginning the interviews.

Lieutenant RORRISON and I interviewed Officer WELLS in the homicide office with POA Attorney WALKER present. Officer WELLS was wearing a Body Worn Camera (BWC) at the time of the incident, but did not turn it on during the incident. He was not permitted to view any footage of the shooting. WELLS agreed to provide a voluntary statement.

At approximately 0915 hours, Lieutenant RORRISON and I began the interview with Officer WELLS. The interview is documented below in a question and answer and word for word format.

PR: Paul RORRISON, Lieutenant – SDPD Homicide Unit
PC: Paul CONLEY, Sergeant – SDPD Homicide, Team IV.
JW: Officer Jonathan WELLS – Southern – 3rd Watch
CW: Charles Webb WALKER - POA Attorney

PC: Okay. Okay. Today's date is September 28, 2015. It's approximately 0915. I'm with Officer Jonathan WELLS. Uh, Lieutenant Paul RORRISON from the Homicide Unit and uh, Charles WALKER from the POA's attorney. I'm Sergeant Paul CONLEY with the interview and uh, basically Jonathon. What we're...this is a checklist. I'm going to go over this checklist. It's preprinted questions. It just has, you know, some biographical stuff so we'll do that first.

JW: Okay.

PC: So last name is WELLS. W-E-L-L-S?

JW: Correct.

PC: And Jonathan? J-O-N-A-T-H-A-N right?

JW: Correct.

PC: And what's your middle name?

JW: Alden.

PC: A-L?

JW: D-E-N.

PC: Okay. And how old are you?

JW: [REDACTED]

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PC: Okay. And what's your birthday?

JW: [REDACTED]

PC: [REDACTED]

JW: [REDACTED]

PC: Okay. And how tall are you?

JW: 5'9".

PC: How much do you weigh?

JW: 180 pounds.

PC: Okay. Hair brown?

JW: Brown.

PC: And eyes?

JW: Brown.

PC: And what's your ID?

JW: 7319.

PC: And what's your badge number there?

JW: 8429.

PC: And when were you hired?

JW: I was hired June of last year.

PC: Okay, so were you in LULL's academy?

JW: I was.

PC: Yeah, he said 9/2014. Does that sound about right? Do you know when you started the academy?

JW: I started, I started in October so.

PR: That's when your hired.

JW: Okay.

PC: Okay. In 2014. And you're currently at Southern?

JW: I am.

PC: And who's your supervisor?

JW: Uh, it's gonna be Acting Sergeant Dean BISHOP.

PC: Okay. And how long you been down there at Southern?

JW: Four weeks.

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PC: And what was your unit tonight?
JW: 722J.

PC: And do you remember your car number? Your equipment number?
JW: No.

PC: Okay. I can get that. And you worked 3rd Watch, 2100 to 0700?
JW: Correct.

PC: And what are your days off?
JW: My days off are Tuesday, Wednesday, Thursday.

PC: And how many hours of sleep did you get prior to coming in?
JW: Six, approximately six. Then I woke up and I went back to bed and took another nap.

PC: Okay are you right-handed or left-handed?
JW: I'm uh right-handed.

PC: [REDACTED]
JW: [REDACTED]

PC: [REDACTED]
JW: [REDACTED]

PC: [REDACTED]
JW: [REDACTED]

PC: [REDACTED]
JW: [REDACTED]

PC: And have you consumed any alcohol beverages in the last 24 hours?
JW: No.

PC: Okay. This is just on weapons stuff here. So you're primary weapon is what?
JW: A Glock 17.

PC: Okay. Glock 17, 9mm?
JW: Yes.

PC: Okay. Department?
JW: Yes.

PC: [REDACTED]
JW: [REDACTED]

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PC: [REDACTED] And the number of rounds carried? What do you, what do you carry?

JW: Uh, [REDACTED]

PC: And how many magazines do you have?

JW: [REDACTED]

PC: Okay, so [REDACTED] extras. [REDACTED]

JW: [REDACTED]

PC: So what I'm gonna do is like I did with the other officers. I'm gonna go straight from the beginning. When you started lineup, uh, what you did prior to the call. Uh, whatever you answered. 415s. Had you arrested anybody or anything else like that. So you, you go to lineup and then what happens from there.

JW: Uh I went to lineup. There was uh my Sergeant, Sergeant Dean BISHOP conducted a equipment check or yeah for inspection. There was two calls holding in my beat.

PC: Okay.

JW: The first one that I volunteered for was a missing person uh report which I took with Sergeant BISHOP. After I cleared that call, I took a shop lifting report also.

PC: Okay.

JW: So I stacked two papers. After I took those papers, I went back to the sub to start writing on them.

PC: Okay. Did you, did you have any contact with anybody, like a traffic stop or?

JW: No.

PC: Bike stop or no, no arrests?

JW: No arrests. No stops.

PC: Okay. So you're at the sub doing the paper. And then anything...uh, did you, is, was the next call this call or this incident?

JW: So uh, yes, it was.

PC: Okay.

JW: Uh, as I was writing the paper, I don't remember the nature of the call...

PC: Okay.

JW: that came out. All I remember hearing was Jeff, Officer McCOY say over the radio there was, that the male answered the door with a, a gun in his hand and he went back into the residence.

PC: Okay. Now were you at the sub when that came out?

JW: I was.

PC: Okay. So you basically got in your car and started going that way, correct?

JW: Yes. I did.

PC: Okay. So, and it's not that far if you go the back way, Iris down to Howard.

JW: Which is the way it went.

PC: Okay.

JW: I went Iris.

PC: Okay, so uh you get there. Now when you arrive, where, where, where do you park your car? Where do you specifically stop or?

JW: Uh I pulled into the what, what I've learned now is the exit uh...

PC: Okay.

JW: on the right-hand side on the curb.

PC: Okay.

JW: The red.

PC: The right or left?

JW: So looking at the residence.

PC: Right.

JW: Jeff's car was on the left side and I was further back on the right hand side.

PC: Okay. So on the red. So you're standing behind uh...

JW: Yes.

PC: Okay. You said Jeff right?

JW: Well, no. Jeff's car, Jeff's, Jeff's car was the SUV.

PC: Okay. Yeah, Jeff's, SUV?

JW: Right. And then behind him on the right hand side on the, the curb.

PC: Okay. Got it. Right by the sign, okay.

JW: Correct.

PC: Okay. And when you get there, who's, who's all there?

JW: Uh, I immediately noticed Jeff.

PC: Okay.

JW: Uh and my Sergeant, uh, LULL, Brandon LULL, Officer HERKELMAN and uh, Officer RACK.

PC: Okay, so basically, it sounds like you were kind of the last.

JW: I was, yeah.

PC: Person there?

JW: Myself and then the trainee had pulled up behind me.

PC: Okay. And this is prior to the shooting?

JW: Correct.

PC: Okay. Now where do you go right from there? As soon as you get 10-97?

JW: Uh, from there I move up to uh Officer McCOY's SUV.

PC: Okay.

JW: Because he was uh, just in front of it. I asked him what uh, what residence it was and he pointed out number [REDACTED] And he shined his light on it.

PC: Okay. Nobody's outside? The suspect is not outside?

JW: No. The suspect was outside. Oh, was not outside. I'm sorry.

PC: Okay.

JW: And the door was uh closed.

PC: Okay.

JW: That's when ABLE was going 97 on the call so.

PC: Okay. And then what happens?

JW: Uh, after that, uh, after he points that out, I move to cover behind the SUV.

PC: Um huh.

JW: And my sergeant tells me, myself and LULL to uh block the street. Okay, so LULL...that's when the trainee had pulled up, sorry. And then LULL pulls his car out and the training unit uh was already in the road. So I was talking to uh, the FTO which was Oscar TORRES.

PC: Right.

JW: And had him block the street instead of me pulling the car out and us uh having to...

PC: Okay.

JW: Mess with parking cars.

PC: Okay. And then after this is going on, where you position, you position yourself and where can you place everybody else at, if you can remember that?

JW: Uh, while I was talking to Oscar TORRES I was in the, the street, which was...I was, I was in the street that I was being told to block off. I was just directly in front of the residence.

PC: Okay.

JW: Uh, so then I go to the back of my car and grab uh tape, yellow tape, which me and LULL were attempting to put up but it wasn't long enough because I didn't have a whole roll.

PC: Okay.

JW: Uh, and then uh, I don't, uh, I couldn't tell you exactly where everybody else was. I just know that they were evacuating uh the residences below.

PC: Okay.

JW: While we were doing that.

PC: And did you help with that or?

JW: I did not, no.

PC: Okay. And where you at? Are you still in the street or?

JW: I was still in the street because a pedestrian actually came up.

PC: Okay.

JW: And he wanted to walk across the, walk back over past the scene to get to his house.

PC: Okay.

JW: But I told him to take the long way.

PC: Okay. So as you're doing all this and everybody's in place and everybody's there, what, what did you think you have? What was going on? What do you think in your mind based on what you were being told?

JW: Uh, well I, I knew that there was a suspect inside of a residence with a firearm that kept uh coming out of the residence and going back in.

PC: Okay.

JW: Uh, I also knew that there was uh, an [REDACTED] woman inside.

PC: Okay.

JW: A female at the residence.

PC: Okay. And are you, is anybody there that like taking charge? Like giving direction or is the acting sergeant talking?

JW: The acting sergeant, but I mean from...the only direction I received was when he told me to block the street.

PC: Okay. Okay, now another thing uh, now you're wearing a BWC.

JW: I was.

PC: And it wasn't activated and what was the reason for that?

JW: I just, I forgot to activate it.

PC: Okay.

JW: When I came on scene.

PC: Okay, so you're in the street. They're setting up. When do you get involved? Or when do you get up into the...?

JW: So after, after I speak to the resident, I tell him to move away and I back up go Jeff's SUV.

PC: Okay.

JW: Which is when the suspect uh, you know, I think someone said, 'He's coming out! He's coming out!'

PC: Now who said that?

JW: I don't remember.

PC: Okay. So somebody said that, 'He's coming out! He's coming out!'

JW: 'He's coming out!'

PC: Okay.

JW: Uh, at that point I had my, my weapon at the, at the low and ready.

PC: Okay. Now where are you, where are you at? You said Jeff's vehicle? So that's the SUV on the curb?

JW: Right. On the left hand side of the curb. That's the closest to the residence.

PC: Okay. Are you to the front or the back. I couldn't remember?

JW: That I, honestly, I think I was, at that point I was at the front. So I was no further forward than the front left wheel.

PC: Okay. Okay. And then you hear that he's coming out.

JW: He's coming out.

PC: Is that a command that's given by just one person or the whole group or do you remember?

JW: I don't remember.

PC: Okay. What do you see next?

JW: Uh, next thing I see is uh the male coming out. My vision of the door was obscured by the trees.

PC: Um huh.

JW: The tree that was directly in front of the residence.

PC: Um huh.

JW: Uh, so as he was coming out, and he was walking down the stairs. And my vision...as he's walking down the stairs I can see a better picture of him. He had something black in his hand and he was doing kind of one of these. He was holding it kind of down like this.

PC: Okay, you're describing it as holding it in his right hand with your arm...

JW: At a 90 degree angle.

PC: Yeah, 90 degree, parallel to the ground, but tucked into your arm like this?

JW: Not, not specifically pointed it at someone, which I...

PC: Okay.

JW: As he's, as he's coming out of the residence.

PC: Okay.

JW: So, once I finally see it. I could see the object. I didn't, I couldn't identify it as a handgun.

PC: Okay.

JW: Until I saw a direct view of him.

PC: But what's happening in the interim? What's everybody doing? Somebody yelling?

JW: Everyone, everyone, people are yelling uh, you know, 'Drop the weapon!' And then the next thing that I really saw was that he was pointing the weapon right at Jeff, and then, you know, I told LULL, Officer LULL, because he pointed it at him. He was pointing it right at him. Uh...

PC: Okay.

JW: Yeah. He was pointing it right at him and then LULL was giving commands, 'Drop the weapon! Drop the weapon!' or 'Drop your gun! Drop your gun!' So then he turns away from LULL, or turns, I'm sorry, he turns away from Jeff and that's when uh, I hear two shots being fired and he ended up pulling it. He, at this point my gun was trained on him. Uh, he fired. I hear two shots. I see that he didn't go down. I got a clear sight picture and I fired.

PC: Okay. So let me back up just a minute. So when you saw him, you had, you saw something that he had in his hand, but you just didn't, you didn't see if it was gun? You couldn't tell if it was a gun or not or?

JW: At the time, at the time when he was pointing it at Jeff...

PC: Um huh.

JW: I could clearly see that it was a firearm.

PC: Okay, but prior to that when he's coming down and you describe....

JW: When he's coming down, he's doing one of these (extends his hands as if pointing a weapon), I wasn't sure if it was a weapon.

PC: Okay. And um, so it's not until he clearly comes and starts pointing, then you see the...

JW: At Jeff and then...

PC: Yeah.

JW: That is I clearly, I know that that's a semi, a black semiautomatic handgun.

PC: Okay. Okay. Okay and so and everybody...did you give any commands or did you?

JW: I did not.

PC: Okay. But everyone else around you is echoing?

JW: Yeah.

PC: What were they saying?

JW: Uh, I heard 'Drop the gun! Drop the gun!' Uh, that's, that's all I heard.

PC: Did you see him? Uh did you know where Acting Sergeant BISHOP was at?

JW: He was on the right hand side. He was to my right. Uh, he was behind a red vehicle.

PC: Okay. Did you see the suspect pointing towards him? Or anything?

JW: I saw, I saw him start to turn and point the weapon.

PC: Okay. Did you hear Acting Sergeant BISHOP say anything or you just?

JW: Oh, yeah, so I did. As, as it was happening, I heard, I heard somebody say, 'Shoot him! Shoot him!'

PC: Okay. Did you make that to be Acting Sergeant BISHOP that you know of or you just know that now?

JW: I just, I just heard, I just know that now.

PC: Okay. But at the time you didn't, you just heard somebody say that, but you didn't know specifically who that was?

JW: Correct.

PC: Okay. And then let me just back up again. So when you're in your position and he's coming down the steps, you hear two shots right?

JW: Two shots.

PC: So you weren't the first one to fire?

JW: I was not.

PC: Okay. And uh, do you know who those came from?

JW: No.

PC: Okay. And uh, were they in your proximity?

JW: They were. They were pretty close I know to my right hand side. I know that it wasn't Jeff.

PC: Okay, so it wasn't Jeff cause he forward of you or?

JW: He was forward to the left.

PC: Okay. And then you said LULL is behind you?

JW: LULL is, LULL is to my right, along with Acting Sergeant BISHOP.

PC: Okay, so are you on the north, north side with BISHOP?

JW: No.

PC: No, okay. So...

JW: I'm back, I'm back by the SUV.

PC: Okay.

JW: With uh LULL.

PC: With LULL.

JW: But I didn't know if he was right behind me or if he was.

PC: Okay

JW: Next to me.

PC: Okay. So you hear the two shots and the guy starts coming down and then what happens?

JW: I heard the two shots and then I saw that he did not, he didn't stop pointing the weapon, so that's when I shot. I fired two shots. Two or three shots.

PC: Okay. Just two or three.

JW: Correct.

PC: And then what happens? Do you see him go down or?

JW: Uh two or three. I first two or three shots and then I heard uh more shots.

PC: Okay.

JW: I don't know how many more, but it was, maybe five.

PC: Okay.

JW: Five shots.

PC: Okay. And then uh, what happens next? They're...

JW: He falls.

PC: Okay.

JW: He, he kind of slumps and slides down the stairs onto the uh second part of the landing. Like the middle tier.

PC: Right, okay. And then after everything's done and nobody's firing, what happens next?

JW: Uh myself, uh, me and LULL were next to each other and we, I kept uh lethal coverage on him.

PC: Okay.

JW: Uh, LULL kind of scooted me to the left a little bit and he said, 'I got him'. And so then I maintained lethal coverage of the apartment.

PC: Okay. And then who goes up because?

JW: Well so we were standing there, and then Officer TORRES, Oscar TORRES said, 'We need to get to positive control of the suspect'.

PC: Okay.

JW: Jeff grabbed the uh firearm.

PC: Okay.

JW: And Jeff grabbed the firearm and then said, 'It's a plastic gun'.

PC: Okay.

JW: And he threw it.

PC: Okay. And then what do you do after that? Do you go up and clear the house or just stay down?

JW: I do not. I do not because there was a, another resident coming from the building on the left hand side to the back left. He came through a gate and he was concerned that it was his brother. I told him...originally I told him to get back in the house. Get back in the house.

PC: Okay.

JW: And then uh he was, again he was concerned that it was his brother. Sergeant BISHOP said that he wanted to know, 'Who is that? Who is that? Identify him', so...that's when I found out that he was concerned that it was his brother.

PC: Okay. Is that the guy that's in the complex?

JW: He was to the, he was to the rear left. So it wasn't the complex of the residence that...

PC: Okay.

JW: that the suspect came out of.

PC: All right. Okay, okay. Okay and then did medics come or did you participate in any of that?

JW: I didn't participate in any of the first aid because at that point I went around the back to make sure that all the residents on the other side of the building where the suspect was...

PC: Um huh.

JW: were okay.

Investigator's Report
Interview of Officer WELLS
Case #15-020915; #15-020916
Page 14

PC: Okay, so you checked other residents?

JW: I checked the other residents.

PC: Okay. Okay and then obviously somebody secured you or got a hold of you?

JW: Yeah, well what happened was uh they called. They wanted to know how many shooters there were. So that's when I came to the front. That's when I saw the medics.

PC: All right. Lieutenant RORRISON? Nothing? Nothing? Okay. All right. I'm gonna conclude this at 0935.

TOTAL DISC 19:25

Lieutenant RORRISON and I concluded out interview with Officer WELLS. The above conversation was recorded on my digital recorder and downloaded onto a compact disk. The disk was impounded at Headquarters under barcode #10538813.

After the interview, Officer WELLS was taken to the crime scene processing room where photographs were taken of his uniform and equipment.

Reporting Detective Sergeant P.D. Conley I.D. 4673 Homicide Team: IV
Approved by: Lieutenant Paul R. Rorrison #4305 Date of this report: 10-02-15 Time: 1600 Hrs.

SAN DIEGO POLICE DEPARTMENT


Property Report

Incident Number: **15090056613**

Case Number: **15042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
 10536131	1	CD / DVD	

Audio recording of scene briefing

Recovered By: **COLLIER, KIMBERLY 5537**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 W San Ysidro Blvd at scene**

Transported By: **COLLIER, KIMBERLY 5537** on 9/28/15 0910

Impounded By: **KIMBERLY COLLIER 9/28/15 11:28**

 10536244	2	LABORATORY EVIDENCE	
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Firearms Processing Packet SN# [REDACTED] - SDPD Off. WELLS

Recovered By: **LOZNYCKY, BILL 8176**

Date Recovered: **09/28/2015**

Recovery Address / Location: **Crime Laboratory Firearms Unit**

Transported By: **COLLIER, KIMBERLY 5537** on 9/28/15 0910

Impounded By: **BILL LOZNYCKY 9/28/15 16:02**

 10536454	3	LABORATORY EVIDENCE	
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FA Proc Pkt for Glock17 SN: [REDACTED] Ofc J. McCoy

Recovered By: **LACHIMIA, EUGENE 8757**

Date Recovered: **09/28/2015**

Recovery Address / Location: **Crime Lab Firearms**

Impounded By: **Lachimia, Eugene 9/29/15 5:57**

NOTES: Firearms Processing Packet: bore swab, magazine contents, chamber contents, testfires

 10536659	4	LABORATORY EVIDENCE	
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FA Processing Packet for OFC Lull, #7300(Glock Model 17 Gen 4 S/N: [REDACTED])
chamber contents, mag contents (x3), bore swab, testfires.

Recovered By: **WILSON, LISA 8512**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1401 Broadway Crime Lab - FA Unit**

Impounded By: **Wilson, Lisa 9/29/15 14:35**

 10536919	5	CARTRIDGE CASE	
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One cartridge case with headstamp "F C 9MM LUGER."

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard [REDACTED] Collected from the
pavement, west of 1150 West San Ysidro Boulevard [REDACTED]**

SAN DIEGO POLICE DEPARTMENT







Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
Impounded By: Southerland, Ally 9/30/15 10:36			
 10536922	6	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER." Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from the pavement, west of 1150 West San Ysidro Boulevard ■
Impounded By: Southerland, Ally 9/30/15 10:53			
 10536924	7	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER." Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from the pavement, west of 1150 West San Ysidro Boulevard ■
Impounded By: Southerland, Ally 9/30/15 10:56			
 10536926	8	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER." Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from the pavement, west of 1150 West San Ysidro Boulevard ■
Impounded By: Southerland, Ally 9/30/15 10:58			
 10536931	9	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER." Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from the pavement, west of 1150 West San Ysidro Boulevard ■
Impounded By: Southerland, Ally 9/30/15 11:00			
 10536933	10	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER." Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from the pavement, west of 1150 West San Ysidro Boulevard ■
Impounded By: Southerland, Ally 9/30/15 11:07			
 10536934	11	BULLET (Fired-Not Ammo)	

SAN DIEGO POLICE DEPARTMENT






Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
			One bullet with white residue. Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the pavement, west of 1150 West San Ysidro Boulevard Impounded By: Southerland, Ally 9/30/15 11:11
 10536962	12	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER." Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the sidewalk, west of 1150 West San Ysidro Boulevard Impounded By: Southerland, Ally 9/30/15 12:55
 10536968	13	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER." Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the sidewalk, west of 1150 West San Ysidro Boulevard Impounded By: Southerland, Ally 9/30/15 13:02
 10536977	14	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER." Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the south curbline of the parking lot, in front (north) of 1170 West San Ysidro Boule Impounded By: Southerland, Ally 9/30/15 13:12
 10536980	15	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER." Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the south curbline of the parking lot, in front (north) of 1170 West San Ysidro Boule Impounded By: Southerland, Ally 9/30/15 13:18
 10536983	16	CARTRIDGE CASE	One cartridge case with headstamp "F C 9MM LUGER."

SAN DIEGO POLICE DEPARTMENT






Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from the pavement north of 1170 West San Ysidro Boulevard ■ in the easternmost handicap Impounded By: Southerland, Ally 9/30/15 13:26			
 10536998	17	BB/PELLET GUN	One black plastic "POWERLINE By Daisy 340" ".177 Cal. (4.5mm) BB" replica handgun. Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from the dirt area, in front (north) of 1170 West San Ysidro Boulevard ■ Impounded By: Southerland, Ally 9/30/15 13:36
 10537013	18	BULLET (Fired-Not Ammo)	One bullet with white residue. Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from the cement walkway, in front (north) of 1170 West San Ysidro Boulevard ■ Impounded By: Southerland, Ally 9/30/15 14:10
 10537019	19	OTHER - See Additional Description for Further	One pair of black "HATCH" size "MEDIUM" gloves with apparent bloodstains and debris on them. Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from the dirt area, in front (north) of 1170 West San Ysidro Boulevard ■ Impounded By: Southerland, Ally 9/30/15 14:28
 10537023	20	BULLET (Fired-Not Ammo)	One copper jacket with apparent bloodstains on it. Recovered By: Southerland, Ally 8841 Date Recovered: 09/28/2015 Recovery Address / Location: 1170 West San Ysidro Boulevard ■ Collected from on the cement base, below the staircase to 1170 West San Ysidro Boulevard ■ and ■ Impounded By: Southerland, Ally 9/30/15 14:36
 10537025	21	BULLET (Fired-Not Ammo)	

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
			One bullet.
			Recovered By: Southerland, Ally 8841
			Date Recovered: 09/28/2015
			Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the south curbline of the parking lot in front (north) of 1170 West San Ysidro Boulevard
			Impounded By: Southerland, Ally 9/30/15 14:45

 10537034	22	BULLET (Fired-Not Ammo)
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			One bullet with wood debris on it.
			Recovered By: Southerland, Ally 8841
			Date Recovered: 09/28/2015
			Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the concrete front (north) porch to 1170 West San Ysidro Boulevard
			Impounded By: Southerland, Ally 9/30/15 15:09

 10537035	23	LABORATORY EVIDENCE
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			One Firearms Processing Packet -Sig Sauer -Officer Bishop
			Recovered By: REBICK, TONIANN 8154
			Date Recovered: 09/30/2015
			Recovery Address / Location: 1401 Broadway Lab
			Transported By: COLLIER, KIMBERLY 5537 on 9/28/15 0910
			Impounded By: Rebick, Toniann 9/30/15 15:14

NOTES: One Firearms Processing Packet -Sig Sauer -Officer Bishop -T. Rebick #8154 09/30/15
Bore swab, test fires

 10537037	24	BULLET (Fired-Not Ammo)
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			One bullet.
			Recovered By: Southerland, Ally 8841
			Date Recovered: 09/28/2015
			Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the fifth concrete step up the staircase to 1170 West San Ysidro Boulevard and
			Impounded By: Southerland, Ally 9/30/15 15:14

 10537038	25	BULLET (Fired-Not Ammo)
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			One apparent bullet fragment.
			Recovered By: Southerland, Ally 8841
			Date Recovered: 09/28/2015
			Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the dirt area, in front (north) of 1170 West San Ysidro Boulevard

SAN DIEGO POLICE DEPARTMENT






Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
Impounded By: Southerland, Ally 9/30/15 15:19			
 10537039	26	BLOOD SWAB	One swab of an apparent bloodstain.
Recovered By: Southerland, Ally 8841			
Date Recovered: 09/28/2015			
Recovery Address / Location: 1170 West San Ysidro Boulevard Collected from the seventh concrete step up the staircase to 1170 West San Ysidro Boulevard and #			
Impounded By: Southerland, Ally 9/30/15 15:23			
 10537041	27	CD / DVD	Body Worn Camera Videos
Recovered By: DUNGAN, JONATHAN 6137			
Date Recovered: 09/28/2015			
Recovery Address / Location: 1170 West San Ysidro Boulevard headquarters			
Transported By: DUNGAN, JONATHAN 6137 on 9/30/15 1530			
Impounded By: JONATHAN DUNGAN 9/30/15 15:26			
 10537043	28	CD / DVD	Audio interviews of
Recovered By: DUNGAN, JONATHAN 6137			
Date Recovered: 09/28/2015			
Recovery Address / Location: 1170 West San Ysidro Boulevard HEADQUARTERS			
Transported By: DUNGAN, JONATHAN 6137 on 9/30/15 1530			
Impounded By: JONATHAN DUNGAN 9/30/15 15:29			
 10537048	29	OTHER - See Additional Description for Further	One pair of handcuffs with apparent bloodstains on them. This item was collected from the front driver-side floorboard.
Recovered By: Southerland, Ally 8841			
Date Recovered: 09/28/2015			
Recovery Address / Location: 1170 West San Ysidro Boulevard SDPD vehicle #71667 with California exempt license plate "1383789" parked west of 1150 West San Ysid			
Impounded By: Southerland, Ally 9/30/15 15:34			
 10537054	30	BULLET (Fired-Not Ammo)	One bullet with white residue.

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
		Recovered By: Southerland, Ally 8841	
		Date Recovered: 09/28/2015	
		Recovery Address / Location: 1170 West San Ysidro Boulevard	Collected from the hole in the stucco wall, directly above the front (north) door to 1170 West San Y
		Impounded By: Southerland, Ally	9/30/15 15:43



10537265

31 DRUGS - See Drug
Type for Further

Three prescription bottles. See comments.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard** Collected from inside
1170 West San Ysidro Boulevard from on top of the dining table.

Impounded By: **Southerland, Ally** 10/1/15 7:58

NOTES: *****

AMS 8841 10/01/15

This item consists of the following:

- One prescription bottle labeled "LISINOPRIL 20 MG TABLET" in the name of "ALBERTO HERNANDEZ" containing twenty-two white tablets with "20" imprinted on one side.
 - One prescription bottle labeled "CHLORDIAZEPOXIDE 25 MG CAPSULE" in the name of "ALBERTO HERNANDEZ" containing five green and white capsules with "S253" printed on each one.
 - One prescription bottle was removed and impounded separately under barcode 10537273.
- This item was collected from on top of the dining table.

*****END*****



10537273

32 DRUGS - See Drug
Type for Further

One prescription bottle labeled "PANTOPRAZOLE SOD DR 40 MG TAB" in the name of [REDACTED] containing nine yellow tablets with "93 / 12" print

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard** Collected from on top of the dining table. Removed from 10537265.

Impounded By: **Southerland, Ally** 10/1/15 8:24



10537286

33 DRUGS - See Drug
Type for Further

Two daily pill containers. See comments.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard** Collected from on top of the tall dresser, along the west wall in the northwest bedroom.

Impounded By: **Southerland, Ally** 10/1/15 8:44

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
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NOTES: *****

AMS 8841 10/1/15

Two clear plastic daily medication containers, one is labeled "BEDTIME" and one is labeled "MORNING." The "BEDTIME" container is empty and the "MORNING" container holds the following in each of the Monday through Friday compartments:

-Three white tablets with "J 246" imprinted on one side and one white tablet with "EC 20" imprinted on one side and "M" one the other side. The Sunday and Saturday compartments are empty.

*****END*****

 10537293	34	DRUGS - See Drug Type for Further
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Five prescription bottles. See comments.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard** collected from on top of the short dresser, along the west wall in the northwest bedroom.

Impounded By: **Southerland, Ally 10/1/15 9:04**

NOTES: *****

AMS 8841 10/1/15

This item consists of the following:

- One empty prescription bottle labeled "HYDROCODIN-ACETAMI NOPHEN 5-325" in the name of "ALBERTO HERNANDEZ."
- One prescription bottle labeled "TAMSULOSIN HCL 0.4 MG CAPSULE" in the name of "ALBERTO HERNANDEZ" containing twenty-three blue capsules with "MYLAN 2500" printed on them.
- One prescription bottle labeled "OMEPRazole DR 20 MG CAPSULE" in the name of "ALBERTO HERNANDEZ" containing thirty white capsules with "OME 20" printed on them.
- One prescription bottle labeled "LISINOPRIL 10 MG TABLET" in the name of "ALBERTO HERNANDEZ" containing five white tablets with "10" imprinted on one side.
- One prescription bottle labeled "LamoTRigine 150MG TAB" in the name of "ALBERTO HERNANDEZ" containing twenty-six white tablets with "J 247" imprinted on one side.

*****END*****

 10537303	35	DRUGS - See Drug Type for Further
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One prescription bottle labeled "PROMETHAZINE 25 MG TABLET" in the name of "ALBERTO HERNANDEZ" containing eleven white tablets with "Z C 0 2" imprints

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard** Collected from the dish on top of the dining table.

Impounded By: **Southerland, Ally 10/1/15 9:25**

SAN DIEGO POLICE DEPARTMENT


Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
 10537307	36	CD / DVD	

CD containing statement of [REDACTED]

Recovered By: **CISNEROS, JUAN 5811**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard** [REDACTED]

Transported By: **CISNEROS, JUAN 5811** on 9/28/15 0650

Impounded By: **JUAN CISNEROS 10/1/15 9:37**

 10537322	37	OTHER - See Additional Description for Further	
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See comments.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard** [REDACTED] **Collected on top of the short dresser, along the west wall in the northwest bedroom.**

Impounded By: **Southerland, Ally 10/1/15 9:41**

NOTES: *****

AMS 8841 10/1/15

One blue re-sealable bag labeled [REDACTED]
COLLECTION SYSTEM" containing one [REDACTED] in the name of "Hernandez, Alberto." The vial appears to contain a feces sample.

*****END*****

 10537332	38	DRUGS - See Drug Type for Further	
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Four clear plastic daily medication containers. See comments.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard** [REDACTED] **Collected from on top of the short dresser, along the west wall, in the northwest bedroom.**

Impounded By: **Southerland, Ally 10/1/15 10:12**

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
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NOTES: *****

AMS 8841 10/1/15

This item consists of the following:

-One clear plastic daily medication container, labeled "BEDTIME." The Monday compartment holds one white tablet with "EC 20" imprinted on one side and "M" imprinted on the other side and the Tuesday through Saturday compartments each hold two of these tablets.

-Three clear plastic daily medication containers, labeled "MORNING," held together by a rubber band. Two of the containers hold three white tablets with "J 246" imprinted on one side, in each compartment. One of the containers holds two white tablets with "J 246" imprinted on one side in the Monday compartment. The Tuesday through Saturday compartments of this container each hold four white tablets, one with "EC 20" imprinted on one side and "M" imprinted on the other and three with "J 246" imprinted on one side.

*****END*****

10537392 39 BAG

One paper bag removed from the suspect's right foot.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto (ME [REDACTED])

Impounded By: **Southerland, Ally 10/1/15 11:55**

10537396 40 BAG

One paper bag removed from the suspect's left foot.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto (ME [REDACTED])

Impounded By: **Southerland, Ally 10/1/15 12:05**

10537399 41 BAG

One paper bag removed from the suspect's right hand.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto [REDACTED]

Impounded By: **Southerland, Ally 10/1/15 12:07**

10537401 42 BAG

One paper bag removed from the suspect's left hand.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto [REDACTED]

SAN DIEGO POLICE DEPARTMENT






Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
Impounded By: Southerland, Ally 10/1/15 12:10			
 10537402	43	BAG	One paper bag removed from the suspect's head. Recovered By: Southerland, Ally 8841 Date Recovered: 09/29/2015 Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy (s) HERNANDEZ, Alberto [REDACTED]
Impounded By: Southerland, Ally 10/1/15 12:12			
 10537404	44	GSR KIT	One gunshot residue kit [REDACTED] a sampling was collected from the suspect's hands. Recovered By: Southerland, Ally 8841 Date Recovered: 09/29/2015 Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy (s) HERNANDEZ, Alberto [REDACTED]
Impounded By: Southerland, Ally 10/1/15 12:13			
 10537406	45	LABORATORY EVIDENCE	Fingernail scrapings collected from the left hand of the suspect. Recovered By: Southerland, Ally 8841 Date Recovered: 09/29/2015 Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy (s) HERNANDEZ, Alberto (ME) [REDACTED]
Impounded By: Southerland, Ally 10/1/15 12:17			
 10537407	46	LABORATORY EVIDENCE	Fingernail scrapings collected from the right hand of the suspect. Recovered By: Southerland, Ally 8841 Date Recovered: 09/29/2015 Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy (s) HERNANDEZ, Alberto [REDACTED]
Impounded By: Southerland, Ally 10/1/15 12:19			
 10537408	47	MOUTH SWAB	Two reference mouth swabs (used simultaneously). Recovered By: Southerland, Ally 8841 Date Recovered: 09/29/2015 Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy (s) HERNANDEZ, Alberto [REDACTED]
Impounded By: Southerland, Ally 10/1/15 12:20			

SAN DIEGO POLICE DEPARTMENT


Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
 10537409	48	LABORATORY EVIDENCE	

Plucked head hair.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**

HERNANDEZ, Alberto [REDACTED]

Impounded By: **Southerland, Ally 10/1/15 12:22**

 10537429	49	CLOTHING	
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One blood soaked, red "FRUIT OF THE LOOM" size "L" tank-style shirt with holes in it.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**

HERNANDEZ, Alberto [REDACTED] collected from beneath the suspect.

Impounded By: **Southerland, Ally 10/1/15 12:41**

 10537440	50	CLOTHING	
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One pair of blue and green, "R3" size "L" athletic shorts with apparent bloodstains and apparent medical intervention cuts.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**

HERNANDEZ, Alberto [REDACTED] Collected from beneath the suspect.

Impounded By: **Southerland, Ally 10/1/15 13:00**

 10537450	51	CLOTHING	
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One pair of "RUSTLER" size "32 X 30" blue denim jeans with apparent bloodstains, apparent medical intervention cuts and holes in them.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**

HERNANDEZ, Alberto [REDACTED] Collected from beneath the suspect.

Impounded By: **Southerland, Ally 10/1/15 13:06**

 10537455	52	KEYS	
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One set of keys. See comments.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**

HERNANDEZ, Alberto [REDACTED] Received from Forensic Autopsy Specialist J. Boyer.

Impounded By: **Southerland, Ally 10/1/15 13:17**

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
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NOTES: *****

AMS 8841 10/1/15

One set of keys consisting of the following:

- One apparent vehicle key, two silver-colored keys and one gold-colored apparent house key.
- One blue bottle opener and one silver-colored key fob with "L.A.I" engraved on one side.
- One electronic key fob.

*****END*****

 10537461	53	BULLET (Fired-Not Ammo)	
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One bullet. This item was received in a sealed envelope labeled "Rt Flank."

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto [REDACTED] Received from Forensic Autopsy Specialist J. Boyer.

Impounded By: **Southerland, Ally 10/1/15 13:35**

 10537464	54	BULLET (Fired-Not Ammo)	
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One bullet. This item was received in a sealed envelope labeled "Rt Lung."

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto [REDACTED] Received from Forensic Autopsy Specialist J. Boyer.

Impounded By: **Southerland, Ally 10/1/15 13:38**

 10537465	55	BULLET (Fired-Not Ammo)	
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One bullet. This item was received in a sealed envelope labeled "Pelvis."

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto [REDACTED] Received from Forensic Autopsy Specialist J. Boyer.

Impounded By: **Southerland, Ally 10/1/15 13:40**

 10537467	56	BULLET (Fired-Not Ammo)	
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One bullet. This item was received in a sealed envelope labeled "Left Back."

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto [REDACTED] Received from Forensic Autopsy Specialist J. Boyer.

Impounded By: **Southerland, Ally 10/1/15 13:41**

SAN DIEGO POLICE DEPARTMENT


Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
 10537470	57	LABORATORY EVIDENCE	

One set of inked finger and palm prints.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)
HERNANDEZ, Alberto** Received from Forensic Autopsy Specialist J. Boyer.

Impounded By: **Southerland, Ally 10/1/15 13:46**

 10537472	58	LABORATORY EVIDENCE	
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One rib bone sample.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)
HERNANDEZ, Alberto** Received from Forensic Autopsy Specialist J. Boyer.

Impounded By: **Southerland, Ally 10/1/15 13:48**

 10537475	59	BLOOD VIAL	
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One vial of the suspect's blood.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)
HERNANDEZ, Alberto** Received from Forensic Autopsy Specialist J. Boyer.

Impounded By: **Southerland, Ally 10/1/15 13:54**

 10537476	60	LABORATORY EVIDENCE	
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One reference bloodstain card.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **10/01/2015**

Recovery Address / Location: **San Diego Police Department Crime Scene Unit Prepared
from the vial of the suspect's blood (10537475).**

Impounded By: **Southerland, Ally 10/1/15 14:03**

 10537820	61	CD / DVD	
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One "Master" DVD containing digital images #1 through #230 of the scene.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1170 West San Ysidro Boulevard** Master - Scene

Impounded By: **Southerland, Ally 10/2/15 12:44**

 10537821	62	CD / DVD	
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SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
			One "Working Copy" DVD containing digital images #1 through #230 of the scene.
			Recovered By: Southerland, Ally 8841
			Date Recovered: 09/28/2015
			Recovery Address / Location: 1170 West San Ysidro Boulevard Working Copy - Scene
			Impounded By: Southerland, Ally 10/2/15 12:45



10537822

63 CD / DVD

One "Master" DVD containing digital images #231 through #529 of the autopsy.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto **Master - Autopsy**

Impounded By: **Southerland, Ally 10/2/15 12:46**



10537823

64 CD / DVD

One "Working Copy" DVD containing digital images #231 through #529 of the autopsy.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **09/29/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy (s)**
HERNANDEZ, Alberto **Working Copy - Autopsy**

Impounded By: **Southerland, Ally 10/2/15 12:50**



10538753

65 CD / DVD

One "MASTER" disc containing images #1 through #90

Recovered By: **Boyd, Katie 8260**

Date Recovered: **09/28/2015**

Recovery Address / Location: **Crime Scene Unit Studio Officer Processing**

Impounded By: **Boyd, Katie 10/5/15 12:08**



10538754

66 CD / DVD

One "WORKING COPY" disc containing images #1 through #90

Recovered By: **Boyd, Katie 8260**

Date Recovered: **09/28/2015**

Recovery Address / Location: **Crime Scene Unit Studio Officer Processing**

Impounded By: **Boyd, Katie 10/5/15 12:09**



10538777

67 CD / DVD

(1) CD containing Interview with Off. McCOY by Sergeant CONLEY and Officer walkthrough

Recovered By: **CONLEY, PAUL 4673**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1401 Braodway 1401 Braodway**

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
	Transported By:	CONLEY, PAUL	4673 on
	Impounded By:	PAUL CONLEY	10/5/15 13:35



10538791

68 CD / DVD

(1) CD containing Interview with Off. LULL by Sgt. Conley and Officer Walkthrough

Recovered By: **CONLEY, PAUL 4673**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1401 Broadway 1401 Broadway**

Transported By: CONLEY, PAUL 4673 on

Impounded By: PAUL CONLEY 10/5/15 14:14



10538813

69 CD / DVD

(1) CD Containing Interview of Off. WELLS by Sgt. CONLEY and Walkthrough

Recovered By: **CONLEY, PAUL 4673**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1401 Broadway 1401 Broadway**

Transported By: CONLEY, PAUL 4673 on

Impounded By: PAUL CONLEY 10/5/15 14:51



10538852

70 CD / DVD

(1) CD containing Interview of Off. BISHOP by Sgt. CONLEY and Walkthrough

Recovered By: **CONLEY, PAUL 4673**

Date Recovered: **09/28/2015**

Recovery Address / Location: **1401 Broadway 1401 Broadway**

Transported By: CONLEY, PAUL 4673 on

Impounded By: PAUL CONLEY 10/5/15 15:55



10539135

71 CD / DVD

ABLE video of shooting.

Recovered By: **COLLIER, KIMBERLY 5537**

Date Recovered: **09/28/2015**

Recovery Address / Location: **ABLE BASE**

Transported By: COLLIER, KIMBERLY 5537 on 9/28/15 1500

Impounded By: KIMBERLY COLLIER 10/6/15 13:49



10539136

72 CD / DVD

911 and Radio dispatch recordings. By #8615

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **15090056613**

Case Number: **15-042053**

Suspect: **HERNANDEZ, Alberto**

DOB: **11/28/1955**

BarCode	Item #	Item Type	Description
		Recovered By:	COLLIER, KIMBERLY 5537
		Date Recovered:	09/28/2015
		Recovery Address / Location:	1401 Broadway Street Communications
		Transported By:	COLLIER, KIMBERLY 5537 on 10/6/15 1350
		Impounded By:	KIMBERLY COLLIER 10/6/15 13:51

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On September 28, 2015, at 0200 hours, I was off-duty when Sergeant Conley #4673 notified me of a callout. Sergeant Conley directed me to respond to 1170 W. San Ysidro Boulevard to assist with the investigation of an officer involved shooting.

I arrived at the location at approximately 0259 hours and met with Lieutenant Rorrison #4305, and the other members of Homicide Team IV. The Homicide Team consisted of Sergeant Conley, Detectives Cisneros #5811, Lozano #4819, Collier #5537, and myself. Sergeant C. Tivanian #5871 conducted the briefing at 0317 hours. Sergeant Tivanian informed us the suspect, identified as Alberto Hernandez, was shot after he pointed a gun (later determined to be a replica firearm) at several officers. The three officers who fired their weapons were Officer B. Lull #7300, Officer J. McCoy #7099, and Officer J. Wells #7319. Alberto Hernandez was transported to Mercy Hospital, but was pronounced deceased at 0207 hours. The briefing ended at 0339 hours, and Homicide Team IV took over the investigation.

After the briefing, Sergeant Conley directed me to interview several potential witnesses. One of the witnesses he directed me to contact was [REDACTED] who lives at [REDACTED]. I knocked on the front door several times, but there was no answer.

At approximately 0445 hours, I noticed a light on in [REDACTED] apartment. I knocked on the front door and a male, who identified himself as [REDACTED] answered. [REDACTED] told me [REDACTED] had just got into the shower. I interviewed [REDACTED] regarding the incident (see my report regarding [REDACTED] statement for additional information). I asked him to have [REDACTED] come outside and flag me down when she was available.

I left the scene shortly after speaking with [REDACTED] to assist Sergeant Conley with downloading the involved officer's body worn cameras.

Investigator's Report

Witness: [REDACTED]

Case #15-042057

Page 2

On September 29, 2015, I went back to [REDACTED] apartment. There was no answer at the door, so I left a note requesting a telephone call from [REDACTED]

On September 30, 2015, I received a phone message from [REDACTED] I called her back and spoke to her over the phone. I recorded my phone conversation with [REDACTED] This report is a synopsis of our conversation, and it is not meant to be a word for word account of [REDACTED] statement. For complete details refer to the audio recording, which I impounded on barcode 10537043. [REDACTED] told me basically the following:

At approximately 0130 hours, I woke up because I heard what I thought was a gunshot. I immediately told my [REDACTED] to go check on our [REDACTED] and I looked out of our master bedroom window. I saw six to eight cop cars, and several officers who already had their guns out. The officers were yelling, "get down," and "put it down, put it down" several times. I think one of the neighbors tried to go outside, because I heard them yelling, "Get back inside." At that point I realized there was a body on the stairs. I saw one of the police officers go up and handcuff the person on the stairs. Within ten minutes or so the ambulance showed up, and the paramedics took out a yellow bag. The officers and the paramedics loaded up the body, and started doing CPR in the ambulance. After a few minutes the paramedics left, and the officers started putting yellow tape up everywhere.

I don't remember hearing anyone other than the police officers talking or yelling. I did hear one of the officers yelling, "go around back," and then two officers go into their patrol vehicles and drive out of the parking lot. I don't know exactly where they went, but that was what I saw.

I do not know the person who was shot personally. I have said "hi" and "bye" to him before and I know what cars he drives, but I don't really know him. I have never had any problems with him before, but sometimes he just walks by and ignores me when I tell him hello. Nothing out of the ordinary I guess.

I concluded my interview with [REDACTED] She did not have any additional information for me, so I ended the phone call with her.

Reporting Detective J. Dungan

I.D. 6137

Homicide Team: IV

Approved by: Sergeant P.D. Conley #4673

Date of this report: 10/01/2015

Time: 0845

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

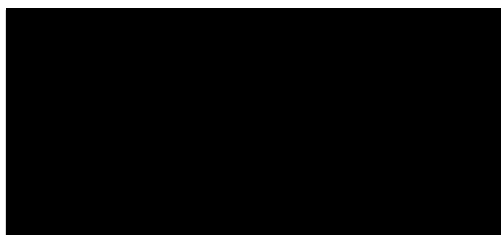
DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On September 28, 2015, at 0200 hours, I was off-duty when Sergeant Conley #4673 notified me of a callout. Sergeant Conley directed me to respond to 1170 W. San Ysidro Boulevard to assist with the investigation of an officer involved shooting.

I arrived at the location at approximately 0259 hours and met with Lieutenant Rorrison #4305, and the other members of Homicide Team IV. The Homicide Team consisted of Sergeant Conley, Detectives Cisneros #5811, Lozano #4819, Collier #5537, and myself. Sergeant C. Tivanian #5871 conducted the briefing at 0317 hours. Sergeant Tivanian informed us the suspect, identified as Alberto Hernandez, was shot after he pointed a gun (later determined to be a replica firearm) at several officers. The three officers who fired their weapons were Officer B. Lull #7300, Officer J. McCoy #7099, and Officer J. Wells #7319. Alberto Hernandez was transported to Mercy Hospital, but was pronounced deceased at 0207 hours. The briefing ended at 0339 hours, and Homicide Team IV took over the investigation.

After the briefing Sergeant Conley directed me to contact [REDACTED] and [REDACTED] live at [REDACTED] and witnessed portions of the incident.

I spoke with [REDACTED] first. I recorded my conversation with her on a digital recorder. The below written statement is a synopsis only, and it is not meant to be a word for word account of my conversation with her. Please refer to the recording which I impounded on barcode #10537043 for additional information. [REDACTED] essentially told me the following:

I was in my bedroom when I heard police officers yelling, "Drop the gun", several times. My windows were open, so I could clearly hear them yelling, "Drop the gun". I didn't have any problems hearing what they were saying. I don't remember if they gave any commands in Spanish, but I think it was all in English. I looked through my bedroom window and I

Investigator's Report

Witness: [REDACTED]

Case #15-042053

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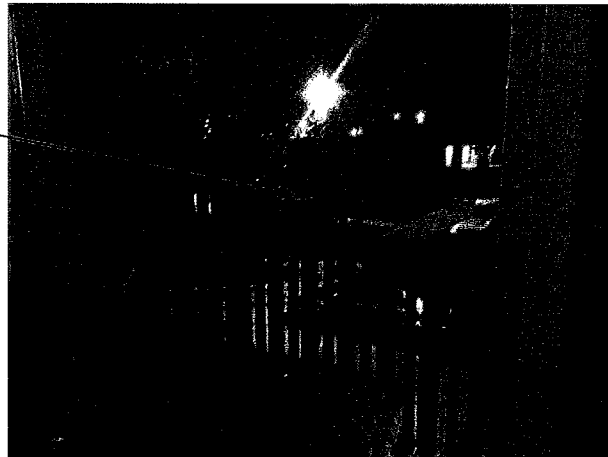
could see the police backing up towards the cars in the parking lot. It looked like they were protecting themselves and taking cover. They were pointing their guns towards the apartment building (1170). I could only see the officers at that point, but there is a large tree that obstructed our view. The officers continued to yell, "Drop the gun!" I walked to my [REDACTED] room and stayed with him to make sure he didn't go to the windows or look outside. I don't know exactly how long, but probably just a few minutes later I heard maybe 5 or 6 gunshots. I didn't see the shooting because I was in my [REDACTED] room.

When I looked out the window, the person was already down on the stairs. I am pretty sure my [REDACTED] saw more than I did. I did not hear the male who was shot say or yell anything.

[REDACTED] did not have any additional information. I provided her with my business card, and asked her to call me if she remembered or heard any additional information at a later time. I concluded my interview with [REDACTED] and began speaking with [REDACTED]

During my interview with [REDACTED] he showed me the view they had from their bedroom window. I could see the stair case leading up to Alberto Hernandez's [REDACTED] (including the landing area where Hernandez was shot). I took a digital photograph of their view and attached it to this report.

Location of Hernandez's body



Reporting Detective J. Dungan

I.D. 6137

Homicide Team: IV

Approved by: Sergeant P.D. Conley #4673

Date of this report: 09/30/15

Time: 1530

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
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SUBJECT INTERVIEWED:



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After the briefing Sergeant Conley directed me to contact [REDACTED] and [REDACTED] and witnessed portions of the incident.

I spoke with [REDACTED] first (see my report regarding her statement for additional information), and then I spoke with [REDACTED]. I recorded my conversation with him on a digital recorder. The below written statement is a synopsis only, and it is not meant to be a word for word account of my conversation with [REDACTED]. Please refer to the recording which I impounded on barcode #10537043 for additional information. [REDACTED] told me essentially the following:

I couldn't fall asleep tonight, so I was awake when I heard someone screaming outside. I looked out my bedroom window and saw three police officers in uniform. I could hear them yelling, "San Diego Police, drop the gun." I heard them say "drop the gun" at least 3 or 4

Investigator's Report

Witness: [REDACTED]

Case #15-042057

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times. I saw them knocking on the doors (downstairs apartments) to evacuate people. I couldn't see everything because the tree blocks my view of the guy's apartment (pointing towards 1170 W. San Ysidro Boulevard [REDACTED] but I could see the portion of the stairs where the guy ended up.

After I saw the people being evacuated, I saw a police officer back up to behind my car. The officers all started yelling, "drop the gun". They yelled it at least 5 or 6 times. I could see the male as he started walking down the stairs. I couldn't actually see a gun because it was dark, but it's possible he had one because I could see him holding his arm out like this [REDACTED] held his right arm up and extended out as if he was aiming a handgun). As he continued walking down the stairs with his arm extended, I had a better view of him. I could hear the officers yelling to drop the gun, but the male continued to walk down the stairs and he didn't lower his arm. As he got to the middle of the stairway, I heard about 5 or 6 shots; I don't know exactly how many. When I heard the shots, I stopped watching and got down on the floor. I think it was about ten minutes from the time I first heard the officers yelling to the time I heard the shooting.

When I looked back outside, I saw the male lying on the stairs just before the landing. I feel like the cops did what they had to do, and they gave him a lot of time to comply. I didn't hear the suspect say anything, but I did see someone else try to come outside of the male's apartment before and after the shooting. The officers yelled for the lady to stay inside both times.

I don't personally know the people who live there. We've never had an issue with them or anything, and we've barely ever seen them.

[REDACTED] showed me the view he had from his bedroom window. I could see the stair case leading up to Alberto Hernandez's [REDACTED] (including the landing area where Hernandez was shot). I took a digital photograph of their view and attached it to this report.

Location of Hernandez's body



Reporting Detective J. Dungan

I.D. 6137

Homicide Team: IV

Approved by: Sergeant P.D. Conley #4673

Date of this report: 09/30/15

Time: 1530

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

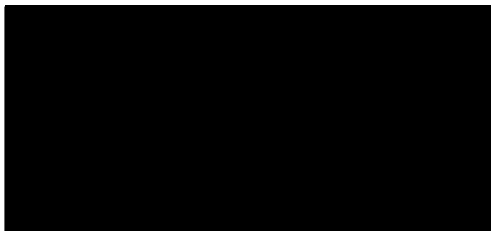
DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On September 28, 2015, at 0200 hours, I was off-duty when Sergeant Conley #4673 notified me of a callout. Sergeant Conley directed me to respond to 1170 W. San Ysidro Boulevard to assist with the investigation of an officer involved shooting.

I arrived at the location at approximately 0259 hours and met with Lieutenant Rorrison #4305, and the other members of Homicide Team IV. The Homicide Team consisted of Sergeant Conley, Detectives Cisneros #5811, Lozano #4819, Collier #5537, and myself. Sergeant C. Tivanian #5871 conducted the briefing at 0317 hours. Sergeant Tivanian informed us the suspect, identified as Alberto Hernandez, was shot after he pointed a gun (later determined to be a replica firearm) at several officers. The three officers who fired their weapons were Officer B. Lull #7300, Officer J. McCoy #7099, and Officer J. Wells #7319. Alberto Hernandez was transported to Mercy Hospital, but was pronounced deceased at 0207 hours. The briefing ended at 0339 hours, and Homicide Team IV took over the investigation.

After the briefing Sergeant Conley directed me to interview several potential witnesses. One of the witnesses he directed me to contact was [REDACTED] who lives at [REDACTED]. I knocked on the front door several times, but there was no answer.

At approximately 0445 hours, I noticed a light on in [REDACTED] apartment. I knocked on the front door and a male, who identified himself as [REDACTED] answered. [REDACTED] told me [REDACTED] had just got into the shower. I asked [REDACTED] if he witnessed any part of the shooting. [REDACTED] stated he only heard people outside. I recorded my conversation with [REDACTED]. This report is a synopsis of our conversation, and it is not meant to be a word for word account of [REDACTED] statement. For complete details refer to the audio recording, which I impounded on barcode 10537043. [REDACTED] told me basically the following:

The gunshots woke me up, and then I heard the police yelling, "Get down." I only heard one gunshot after I woke up. I heard a bunch of yelling, but I didn't see anything.

Investigator's Report

Witness: [REDACTED]

Case #15-042057

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I concluded my interview with [REDACTED] He did not have any additional information for me. I asked him to have [REDACTED] come outside and flag me down when she was available.

Reporting Detective J. Dungan I.D. 6137 Homicide Team: IV
Approved by: Sergeant P.D. Conley #4673 Date of this report: 10/01/2015 Time: 0815

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

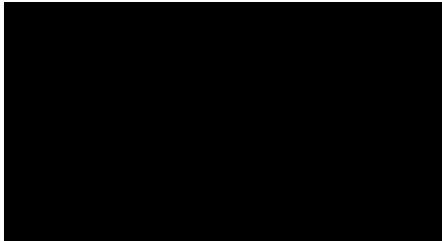
DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: 417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
OIS/Special Investigation – SDPD Case #15-042053
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On September 28, 2015, at 0200 hours, I was off-duty when Sergeant Conley #4673 notified me of a callout. Sergeant Conley directed me to respond to 1170 W. San Ysidro Boulevard to assist with the investigation of an officer involved shooting.

I arrived at the location at approximately 0259 hours and met with Lieutenant Rorrison #4305, and the other members of Homicide Team IV. The Homicide Team consisted of Sergeant Conley, Detectives Cisneros #5811, Lozano #4819, Collier #5537, and myself. Sergeant C. Tivanian #5871 conducted the briefing at 0317 hours. Sergeant Tivanian informed us the suspect, identified as Alberto Hernandez, was shot after he pointed a gun (later determined to be a replica firearm) at several officers. The three officers who fired their weapons were Officer B. Lull #7300, Officer J. McCoy #7099, and Officer J. Wells #7319. Alberto Hernandez was transported to Mercy Hospital, but was pronounced deceased at 0207 hours. The briefing ended at 0339 hours, and Homicide Team IV took over the investigation.

After the briefing, Sergeant Conley directed me to contact several possible witnesses from within the apartment complex. After I had completed my witness check, Officer Lacangan told me he had located a possible witness from across the street. He pointed towards a male, later identified as [REDACTED] standing next to a motorcycle in front of [REDACTED] and told me he claimed to have seen the entire incident.

I made contact with [REDACTED] and took his statement. I recorded my conversation with [REDACTED] on a digital audio recorder. The following statement is a synopsis only and is not meant to be a word for word account of my conversation with [REDACTED]. For complete details refer to the audio recording which I impounded on barcode #10537043. [REDACTED] essentially told me the following:

Investigator's Report

Witness: [REDACTED]

Case #15-042053

Page 2

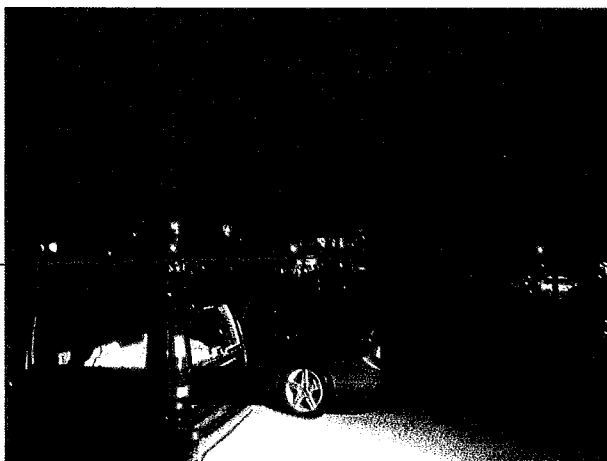
I heard some noises and then I heard a helicopter circling the area, so I came outside to see what was going on. When I looked at the apartment complex across the street, I saw a commotion at the bottom of those stairs (pointing towards 1170 W. San Ysidro Boulevard [REDACTED]). I saw at least two additional cop cars pull up, and then I saw a guy coming down the stairs. I couldn't tell from here which apartment the guy came out of, but as he walked down the stairs I could hear the officers all yelling, "Drop it, drop the gun, drop the gun." I am not sure but I think he tried to use the gun, and it didn't work because I heard clicking. The guy kept walking down the stairs, with his arm extended out [REDACTED] demonstrated by placing his right arm straight out as if he was pointing a firearm), and then they (the officers) shot him. He was pointing that way (pointing towards 1150 W. San Ysidro Boulevard), otherwise I would've got down and not seen anything. I couldn't see what was in the guy's hand, but his arm was extended like that and the officers yelled "drop the gun" many times.

When I heard the shots, I thought the first three of four shots were from the person walking down the stairs because it sounded like a small caliber. After the first few shots stopped, then I heard what I thought were the cops shooting. The way I saw it, I believe the male shot at the officers first, but I could be wrong because I am kind of far away.

Right after the shooting, somebody tried to come out of the upstairs apartment (the door of the left). I think it was his brother or something, but the cops kept telling him to stay inside. The cops kept telling him, "Go back inside." I think I heard the guy from the top of the stairs yell something like, [REDACTED] to the officers.

[REDACTED] did not have any additional information for me. I took a photograph from the area where [REDACTED] stated he was standing when he witnessed the incident. I included the photograph below. I concluded my contact with [REDACTED]

Staircase leading to 1170 W.
San Ysidro Blvd. [REDACTED]



Reporting Detective J. Dungan

I.D. 6137

Homicide Team: IV

Approved by: Sergeant P.D. Conley #4673

Date of this report: 10/06/15

Time: 1030

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): September 28, 2015 (Monday)

TIME (occurrence): 0127 Hours

LOCATION: 1170 W. San Ysidro Boulevard [REDACTED]

SUBJECT: OIS/Special Investigation – SDPD Case #15-042053
417.4 PC, Brandishing Replica Firearm – SDPD Case #15-042057
Incident #150090056613
Officer #1: McCOY, Jeffrey, ID #7099
Officer #2: WELLS, Jonathon, ID #7319
Officer #3: LULL, Brandon, ID #7300
Suspect: HERNANDEZ, Alberto, H/M (59) DOB: 11-28-1955

OFFICER INTERVIEWED: LULL, Brandon, ID #7300
Southern Division/3rd Watch
Phone: [REDACTED]

INTERVIEW OF OFFICER LULL:

Synopsis:

On September 28, 2015, at 0153 hours, I received a telephone call from Lieutenant Paul RORRISON #4305 instructing me to respond to 1170 W. San Ysidro Boulevard regarding an Officer Involved Shooting investigation. Lieutenant RORRISON stated Southern Patrol Officer's had been involved in a shooting of a male at the apartment complex. The male later died from his injuries after being transported by paramedics. Lieutenant RORRISON directed Homicide Team IV to report to the scene and investigate the shooting incident.

I arrived on scene at approximately 0245 hours and joined other members of Homicide Team IV. Sergeant Chris TIVANIAN #5871 provided a briefing on the incident which began at 0317 hours and concluded at 0339 hours. The decedent was identified as Alberto HERNANDEZ. Sergeant TIVANIAN stated SDPD Communications received a 911 call from a male at 1170 W. San Ysidro Boulevard Apartment [REDACTED] (later determined the male was HERNANDEZ who stated he wanted to shoot someone). Officer's Jeff McCOY #7099, and Kyle RACK #7310 were the first officers to respond along with Officer Matthew HERKELMAN #7292 (Sergeant TIVANIAN did not discuss the shooting incident at this point in the briefing). Sergeant TIVANIAN said after the shooting of HERNANDEZ, Medic #29 responded and performed CPR. HERNANDEZ was transported to Mercy Hospital and Officer HERKELMAN followed the medic vehicle in his police vehicle. HERNANDEZ was pronounced deceased by Doctor Yang at 0207 hours.

Sergeant TIVANIAN identified the officers who fired their weapons at HERNANDEZ as Officer's Jeffrey McCOY, Jonathon WELLS, and Brandon LULL. Sergeant TIVANIAN also identified Acting Sergeant Dean BISHOP as being present during the shooting, but he was unable to fire his weapon due to an equipment failure, (no ammunition in weapon).

After being briefed by Sergeant TIVANIAN, I assigned Homicide Team IV detectives to conduct witness interviews. I also assigned a detective to conduct the crime scene investigation. I next met with Lieutenant RORRISON who coordinated with attorney Charles WALKER from the Police Officer's Association to facilitate having the officer's involved in the shooting return for a walkthrough of the shooting scene. All three officers returned to the scene and participated in a voluntary walkthrough to show investigators their positions when the shooting occurred. All three officers then responded to SDPD Headquarters for a formal interview with Lieutenant RORRISON and myself. Lieutenant RORRISON and I waited until all the officers involved had met with their legal representation prior to beginning the interviews.

Lieutenant RORRISON and I interviewed Officer LULL in the homicide office with POA Attorney WALKER present. Prior to the interview, Officer LULL was allowed to watch his Body Worn Camera (BWC) footage of the incident in its entirety. After viewing the BWC footage, LULL agreed to provide a voluntary statement.

At approximately 0850 hours, Lieutenant RORRISON and I began the interview with Officer LULL. The interview is documented below in a question and answer and word for word format.

PR: Paul RORRISON, Lieutenant – SDPD Homicide Unit
PC: Paul CONLEY, Sergeant – SDPD Homicide, Team IV.
BL: Brandon LULL, Patrol Officer – Southern Division – 3rd Watch
CW: Charles Webb WALKER - POA Attorney

PC: Okay, today's date is September 28, 2015. It is approximately 0850 hours. I'm with Officer Brandon LULL, along with POA Attorney Charles WALKER, Lieutenant Paul RORRISON and myself, Sergeant Paul CONLEY from Homicide Team IV. Um, so basically Brandon, what we're gonna do is this is just uh, uh checklist okay? It's just a preprinted type thing. I'm going to go down the list real quick and just get all the answers and uh, then we'll start with the interview so. Your last name is LULL right?

BL: Yes.

PC: L-U-L-L, Brandon, B-R-A-N-D-O-N. And what's your middle name?

BL: KING.

PC: K-I-N-G?

BL: Yes.

PC: Okay, and how old are you?

BL: [REDACTED]

PC: Okay, and what's your birth date?

BL: [REDACTED]

Investigator's Report
Interview of Officer LULL
Case #15-020915; #15-020916
Page 3

PC: Okay. And how tall are you?

BL: Um, about 5'10".

PC: And how much do you weigh?

BL: 175.

PC: And hair, brown?

BL: Yes.

PC: Eyes?

BL: Uh, hazel or green.

PC: Okay. And what's your ID?

BL: 7-3-0-0.

PC: And what's your badge there, 8413?

BL: Yes.

PC: Okay, do you know when you hired? Just month and date is fine?

BL: September 2014 maybe.

PC: Okay, so 9 2014. And your current assignment?

BL: Uh Southern Patrol.

PC: Okay. And who's your supervisor?

BL: Uh Acting Sergeant Carlos REAL.

PC: Okay, so Carlos...and how long have you been down at Southern now? First assignment.

BL: Uh, four to six weeks maybe.

PC: Okay. So you just got out phase training?

BL: Yes.

PC: Okay. And your unit number today was what?

BL: 713J3

PC: Okay. And do you remember your car number?

BL: No.

PC: And you don't know your equipment, okay. And you worked 3rd Watch. That's 2100 to 0700 right? And what are your days off?

BL: Uh, Monday, Tuesday, Wednesday.

PC: And prior to this, how much sleep did you get prior to your shift?

BL: Like nine or ten hours.

Investigator's Report
Interview of Officer LULL
Case #15-020915; #15-020916
Page 4

PC: Okay.

BL: I think my car was 7100 now that I think about it. But I can find out. It's fine.

PC: Okay. And are you right or left handed?

BL: Right.

PC: [REDACTED]

BL: [REDACTED]

PC: [REDACTED]

BL: [REDACTED]

PC: [REDACTED]

BL: [REDACTED]

PC: Okay, and have you had any consuming alcohol in the last 24 hours?

BL: No.

PC: Okay. Okay this is uh about weapons. [REDACTED] Your
primary weapon is what?

BL: Glock 17, Gen 4.

PC: Okay, Glock 17 model, 9mm?

BL: Yes.

PC: Okay, is that Department?

BL: Yes.

PC: [REDACTED]

BL: [REDACTED]

PC: Okay. Uh, let's see, okay, number of rounds carried in a magazine. Do you carry a full magazine or?

BL: Yeah, 17, plus one in the chamber.

PC: Okay. Do you have any extra magazines? Or obviously on the belt?

BL: Yeah, two extra magazines, 17 rounds each.

PC: Two, okay. Okay, and have you altered your weapon at all?

BL: [REDACTED]

PC: [REDACTED] Okay, so uh what I'm gonna do is and what I like to do is walk it back from, lets, let's just start real slow beginning at lineup. You go to lineup.

BL: Yeah.

PC: And we'll go from lineup, a couple of calls you had or whatever incidents, and then how you got to this incident and we'll go through that. So you go to lineup at 2100. What's...go from there.

BL: They go to lineup, clear lineup. I don't know what time we cleared lineup. Went 10-8. Uh, got dispatched to 415V. Uh, got there. Two females fighting were GOA or UTL. They left on foot.

PC: Okay.

BL: Uh, and then from there I volunteered for every call that came out. I know there was a couple of narc, in fact three narc calls back to back. Uh, a couple of 415s. Uh, a party call.

PC: So basically normal police stuff, but nothing that....

BL: Nothing.

PC: Did you arrest anybody?

BL: No. I shot one video for the first call, of the two females fighting but they were GOA so nothing about the two and ended up K'ing it.

PC: Okay so now, the call that you get, that you go to with the incident, did you get dispatched to that call? Did you volunteer or what, what, how did that happen?

BL: No. I was actually going after a dog that was on the off-ramp from the I-5 north to Coronado. Couldn't get the dog. It ran down the Interstate. CHP was notified. Just got back to my car. I knew they were on, I believe they were on a 911 hang up. And I heard an Officer McCOY come over the radio saying he just answered the door with semi-automatic pistol, shut the door and was locking (the door). Everyone was starting to volunteer. I volunteered and headed that way.

PC: Okay. So you weren't initially dispatched to the call and the first you heard about it was when McCOY had put out on the area, on the air. And what did that specifically? Do you remember?

BL: Um, from what I remember he said, 'Suspect or subject answered the door with a pistol in his hands looked out and then shut the door. And then he could hear the suspect walk towards the door. And then I volunteered. Then as I was en route I guess, I remember hearing he opened the door one more time to present a pistol.

PC: Okay so the incident is going on before you even got there correct?

BL: Yes. Yes.

PC: Okay. So you obviously go that route and you get there and you pull up right?

BL: Yes.

PC: Okay, now where are you positioning your car or what's the, the scenario?

BL: I pull into the parking lot.

PC: Okay.

BL: In the entrance. Uh, there's already I think one or two cars in front of me. And they were lining up on the south, I think like three or four cars and I pulled up on the north side. Uh, the rear of my car is kind of hanging over the sidewalk, a little bit to the road. Turned the, just the rear lights on as warning. Uh I got out of the car, drew my pistol kind of down to my side. Walked up, made contact with McCOY. He...and I believe uh Acting Sergeant BISHOP said, 'Hey, we need to start blocking traffic on this road. Can you move your car to block traffic?'

PC: Okay. Now let me back you up. So when you first get there, who's, who's all there, that you remember?

BL: Uh, I went 97 with Officer HERKELMAN who was right in front me.

PC: Okay.

BL: And then I remember seeing Acting Sergeant BISHOP, Officer McCOY and those were the...and then Officer WELLS.

PC: Okay.

BL: And those are the only ones that I recall being there.

PC: Okay. So you go up and you start walking towards the scene or who do you go, contact with first?

BL: Uh, I go over to the cars that are on the south, uh walking the opposite side for cover. And then made contact with McCOY. Uh, I kind of posted up on the back of one of the SUVs where I had eyes on the door. Uh, I don't know how long I stayed there. Not very long. And then Acting Sergeant BISHOPs okay, 'We need to'...and I remember the guy once or twice kind of stuck his head out, along with the pistol. And I saw the pistol. And he'd go back in and shut the door.

PC: So you actually observed that when you first came up?

BL: Yes.

PC: Okay. And then uh, I was told, 'Hey we need to block traffic'. Just gonna block traffic. Another unit went 97 coming from the north uh I think that's West San Ysidro. Uh, so that SUV ended up backing up, blocking traffic up north. I maneuvered my vehicle to block traffic to the south in that intersection. Got out my vehicle. McCOY's like, 'Hey, we need to start setting up tape.' Check my trunk for tape. I didn't have any. WELLS had a little bit of tape. We tried to stretch it across the road. It wasn't long enough

PC: Okay. So let me, let me stop you there. So basically the incident is still occurring. The guy is not outside yet?

BL: No. He's....

PC: But still inside.

BL: yes.

PC: What did, did uh McCOY tell you what he thought he had? Or uh, or what do you think?
BL: Uh I don't recall. I mean I already had a very good idea as to what was going on. He's a barricaded suspect, uh, it's a semi-automatic weapon...it's just the radio chatter.

PC: Okay. And your observation of him pointing out?
BL: Yes.

PC: And going back in and shutting the door?
BL: Yes.

PC: Okay.
BL: Uh, so we gave up on doing the tape. Neither one of us had tape so I went back to where I was. It was either the first SUV or McCOY's SUV. Posted up on the bumper, the back bumper, using the vehicle as cover and uh, I don't know if he, I don't remember if he stuck his head out again and then went back in, but I remembered like, oh, my camera. Activated my camera.

PC: That was my question. When you, when you did activate the camera. When you first came up or?
BL: No.

PC: Okay.
BL: I, I remembered when I went back at the trunk to do the tape.

PC: Okay.
BL: Uh, and then....

PC: You went back up to the, the McCOY's SUV and who's over there with you on that side?
BL: Uh McCOY's kind of closer to the building. Um, I think he's, he's using like a tree as cover. I couldn't really see more where I was from.

PC: Okay.
BL: And then WELLS I believe was right behind me. I didn't realize it at the time, but...

PC: WELLS was behind you?
BL: Yeah, very close proximity to me.

PC: Okay. And then uh, so you as you reengage after the tape thing.
BL: Yeah.

PC: You guys didn't do and the traffic uh, uh, post or whatever. Cause the incident is not over, yet you activate your camera?
BL: Yes.

PC: Okay, so uh what happens next as you...who's coordinating or what's, what's going on?
BL: No. While I saw there, I had my gun drawn, pointed at the door and then the suspect came out. Pistol in his hand. Next, Sergeant BISHOP was giving commands to, you know, drop the gun. I threw out some commands, 'Drop the gun! Drop the gun or you're gonna get shot!'

PC: You gave that command specifically?
BL: Yes.

PC: Okay.
BL: He began to walk downstairs and he got to the plateau and he pointed...I remember as he's walking down, he pointed the gun over at McCOY and I yelled, 'McCOY, he's pointing a gun at you!' Uh, and then he swung it around at Sergeant BISHOP. I saw him out of the corner of my eye go to shoot and I saw him drop down to a knee and I realized he had pistol malfunction and he's yelling, 'Shoot him!' Then he swung a gun over at me and that's when I shot two rounds.

PC: Okay.
BL: I didn't know if I'd hit him or missed cause he didn't flinch. Nothing happened so then I happened more. And then I heard rounds going off so I thought he was shooting at me.

PC: Okay.
BL: I was literally shooting until he went down. I was just waiting for the glass of the SUV to shatter. So I'm shooting at him and he's pointing a gun right at me. And I hear other gunshots going off. I didn't really know WELLS was right here, that close.

PC: Okay.
BL: So those rounds I thought were coming from him.

PC: Okay.
BL: And I was just waiting for that glass to shatter. I was thinking I'm about to be shot.

PC: So WELLS was behind you?
BL: Yes.

PC: Okay.
BL: I think. I don't know that for sure, but...

PC: Okay. Okay. So let me back you up real quick. So he, he comes out, presents himself. You guys are in your positions that you're in?
BL: Yeah.

PC: Uh, you were by uh McCOY's SUV. Uh, Acting Sergeant BISHOP is to north?
BL: Yes.

PC: Correct?

BL: Behind two vehicles.

PC: Behind two vehicles. And McCOY is a little further than you and you think WELLS is behind you. Was there anybody else around there, that you remember?

BL: HERKELMAN was underneath. I didn't notice until after the shooting when I saw him pop up, but he was underneath the overhang, trying to...

PC: Okay.

BL: get people out of that apartment and then kind of...

PC: Okay. So when you get there and you're in your spot, uh and he comes down, you mention that he, the suspect had a gun in his hand?

BL: Yes.

PC: And then you say he pointed it towards McCOY and then to BISHOP?

BL: Yes.

PC: Okay. Now how did he have his gun raised? Did he have it one-handed? Did he have it two handed? Or do you remember?

BL: From what I remember, I think it was one hand, kind of like this (demonstrated by holding out his hand extended).

PC: O.k

BL: At McCOY and were yelling at him. And when he goes over, I yelled... I don't remember, but I yelled, 'He's pointing a gun at you!'

PC: You yelled that to McCOY?

BL: Yeah.

PC: Okay. And then you said something about BISHOP saying something?

BL: BISHOP's yelling, 'Drop the gun! Drop the gun!'

PC: Okay.

BL: Uh, then he swung back over BISHOP. BISHOP dropped down. You could see him manipulate his weapon.

PC: Okay. So as he's...what did you think when he's doing all this or?

BL: That it's malfunction.

PC: Okay.

BL: I knew right away there was a malfunction.

PC: Okay. And what did BISHOP say?

BL: He yelled, 'Shoot him!'

PC: Okay. Was the gun trained on BISHOP?

BL: Yes. BISHOP. And then he swung it over at me and then that's when...I remember just thinking I'm about to get in a shooting. This is insane. And kind of weird, I remember thinking like I had perfect sight picture on this, on him right now and then he's pointing the gun right at me and then I just like I pulled the trigger. Pulled the trigger. Stopped, assessed. He's still sitting there pointing the gun at me. And then I heard other guns going off. And I thought he was shooting at me. I was waiting for that window to shatter. I was thinking I'm about to be shot. I started shooting again, again, thinking like why is he not going down? He'd better go down before he shoots me. And then he eventually dropped.

PC: Okay. Uh, how many times did you fire or?

BL: Two originally and then three or four more times. I shot him until he went down. I just remember...three to five more times.

PC: Okay. Okay, so after that and he goes down, okay, what happens next? How does everybody coordinate or what do you guys do?

BL: I knew he was down, wasn't moving. I saw my next piece of cover closer to him. I knew I had to get better eyes on, so I saw a car there. I started closing the gap between us, saw McCOY moving in. I was yelling, 'Hands! Watch his hands! Watch his hands! Watch his hands!' Cause I knew the stairwell was in our way, where McCOY couldn't really see him.

PC: Um huh.

BL: So then I got behind my piece of cover. Lighted into him with my light. I could see the gun in his right hand still. So I was yelling, 'He's still got the gun in his right hand. Watch his hand!' I think I yelled at him, 'Drop the gun!' He wasn't moving. He didn't respond. And then we all kind of closed in. And McCOY grabbed the gun. As soon as he grabbed it, I could hear kind of like, "tintering" and immediately I knew it was uh, an air soft gun or some sort. And I actually saw the magazine of it prior to McCOY grabbing it and I kind of looked. And I could tell it was probably a BB gun or an air soft gun. And then he grabbed it and I was just like, 'Man, you've got to be fucking kidding me'. Um...

PC: Okay.

BL: And then uh, other officers closed in. Said, 'Hey we still need to detain him' They went in and threw cuffs on him. I remember yelling like, 'We need to clear the apartment.' Because we knew there was at least one other person in the apartment.

PC: Did you handcuff him?

BL: No.

PC: Okay.

BL: I was there when they handcuffed. I was behind them on the stairwell. I said all right, there are enough people to handcuff. I need to cover the door, so I moved over. I told WELLS I think who was standing next to me, 'Hey shift left', uh, so he held the door and

then said, 'Okay, we're going into clear.' We went up. Uh, there was four of us that went in to clear the apartment. I was number four through the door. So one of the officers, I don't remember who it was, stayed with the woman and greeted us at the door. Stayed with her. Checked behind the door. Uh, she was speaking Spanish. I didn't know what she was saying.

PC: Okay.

BL: The apartment was clear. Checked on the next door neighbors on the second level with McCOY. They were fine. Pulled up my flashlight to look for impacts on the wall. I don't know why. I was also sitting there thinking like, man I'm surprised they didn't hit this window. Anything on the window. Went downstairs. Went to go with McCOY to go around back to clear those apartments, to see if everyone was okay. The first time I got snagged up, I think by Acting Sergeant BISHOP, he's like, 'Hey, the bottom apartment where HERKELMAN jumped in, someone needs to go FI them see if everyone's okay'. So I went in there completed one FI for the male at which point I overheard him outside going, 'Hey, who shot? Who shot?' running up to the shooter so went to the door and said, 'I needed to be relieved because I was one of the shooters'.

PC: Okay.

BL: So, Carl RACK came to replace me and then ended.

PC: Now where you there when medics came or did they transport or any of that? Where you involved in that?

BL: I stepped back.

PC: Okay.

BL: I believe one of the canine officers came and took all the shooters away.

PC: Okay, and just to back you up, at the time that honestly he was clearly in your mind, he was pointing the weapon at Acting Sergeant BISHOP when that drew your attention and McCOY and you actually alerted McCOY.

BL: Yeah.

PC: So I mean where you fearing that he was gonna shoot them or you or?

BL: Oh, I feared he was going to shoot every single one of us. He literally 417'd every single one of us. I was just waiting for that gun 'boom' and then it came over to me and that's why I was like, 'Aw, he's gonna shoot me'. And I started shooting. And then I thought he was shooting at...and then I continued to suppress or shoot and then he dropped.

PC: Okay, and just the one thing. So do you remember if anybody fired before you or where you first to fire?

BL: I was the first shooter.

PC: And then after that, it's just....

BL: Yeah.

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PC: A series of, okay.

BL: Follow up shooting...

PC: Okay, okay. Okay. Lieutenant RORRISON?

PR: No.

CW: No.

PC: No? Okay, uh that's gonna conclude the uh, the officer interview of Brandon LULL at 0910.

Total disc time 18:43

Lieutenant RORRISON and I concluded out interview with Officer LULL. The above conversation was recorded on my digital recorder and downloaded onto a compact disk. The disk was impounded at Headquarters under barcode #10538791.

After the interview, Officer LULL was taken to the crime scene processing room where photographs were taken of his uniform and equipment.

Reporting Detective Sergeant P.D. Conley I.D. 4673 Homicide Team: IV
Approved by: Lieutenant Paul R. Rorrison #4305 Date of this report: 10-02-15 Time: 1200 Hrs.